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**Administratively Uncontrollable Overtime
Case Summary**

Anonymous; OSC File No. DI-14-0539

Customs and Border Protection, El Centro Sector, El Centro, California

The whistleblower disclosed that CBP Border Patrol agents detailed to work at the El Centro Sector Headquarters as CrossFit instructors improperly received Administratively Uncontrollable Overtime (AUO) for performing duties that do not qualify for AUO under the governing laws and regulations. See 5 C.F.R. § 150.151-154. This allegation was referred to then-Acting Secretary of Homeland Security Rand Beers on December 9, 2013. The Department of Homeland Security, Office of Inspector General (OIG) was tasked with conducting the investigation into the whistleblower's allegations and CBP Commissioner R. Gil Kerlikowske was designated the authority to review and sign the report submitted to OSC. Commissioner Kerlikowske submitted the agency report on February 9, 2015, and the whistleblower declined to comment on the report.

OIG substantiated the whistleblower's allegation that AUO was paid to Border Patrol agents for CrossFit instruction and related activities, such as gym maintenance and class preparation, in violation of AUO regulations. OIG found that approximately 144 Border Patrol agents serve as CrossFit instructors and six Border Patrol sectors: El Centro, California; El Paso, Texas; Del Rio, Texas; Laredo, Texas; Rio Grande Valley, Texas; and San Diego, California. On January 27, 2014, DHS suspended the use and payment of AUO for all employees engaged as full-time instructors. AUO was subsequently discontinued for CrossFit instruction and CrossFit related activities.