

Decision

Matter of: Rear Admiral Richard E. Young, USNR (Ret.)

File: B-236232

Date: October 25, 1990

DECISION

The Commander, Navy Accounting and Finance Center, requests an advance decision on whether a Reserve member can be reimbursed for telephone service on a dedicated line over which the member operated a facsimile (fax) machine. The machine was supplied by the Navy and installed in the member's civilian business office in Denver, Colorado, for the conduct of Navy business. The Finance Center states it is unsure whether the statutory restrictions in 31 U.S.C. § 1348¹ prohibit such reimbursement. The Finance Center further states that if the service charge otherwise is reimbursable, it is unable to determine whether the authorizing signatures on the vouchers Admiral Young submitted for charges for 4 months in 1988 were by officials authorized to sign them.

We find that the statutory restrictions in 31 U.S.C. § 1348^X do not prohibit reimbursement of the service charge.

In October 1985, Rear Admiral Richard E. Young (who retired in October 1988) assumed command of Naval Reserve Readiness Command, Region Eighteen, which had its headquarters in Olathe, Kansas.¹ For the 2 years that he served as the commanding officer, Admiral Young states that one or two times a month he commuted 500 miles to Olathe from his home in Denver, Colorado. In addition to these trips to Olathe, Admiral Young states that he communicated almost daily, sometimes several times a day, with his staff in Olathe. He also states that he communicated frequently with the 15 Reserve centers located in the five-state area comprising the region.

The fax machine was installed in Admiral Young's office sometime between October 1985 and January 1986 as a result of what Admiral Young describes as a "strong suggestion of the active duty staff." Admiral Young states that he continued using the fax machine after October 1987, in lieu of securing "separate administrative support," during a detail as Special Assistant to the Commander, Naval Reserve Force, with the

¹/ Region Eighteen comprises five states: Wyoming, Nebraska, Colorado, Kansas and Missouri.

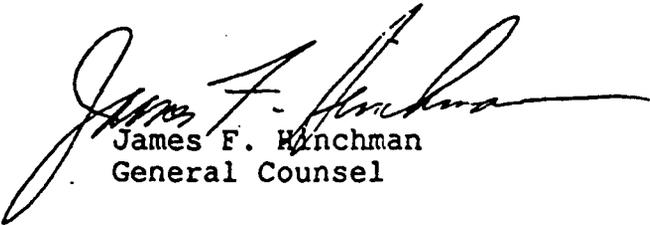
concurrence of both that commander and Admiral Young's successor. The vouchers in issue cover service charges for February, March, May and June, 1988, totaling approximately \$160.

The statutory limitation on telephone services at 31 U.S.C. § 1348(a)(1) states that, "Except as provided in this section, appropriations are not available to install telephones in private residences or for tolls or other charges for telephone service from private residences."^{2/} This language has been construed to prohibit the furnishing at public expense of telephone service to an employee in a private residence regardless of the desirability or necessity of such service from an official standpoint, absent some clearly recognized exception. See 65 Comp. Gen. 835 (1986).

The Finance Center says that payment of the charges is in question because it is unable to determine if "private residences" include private business offices. We have held in previous decisions that section 1348(a)(1) only applies to telephones and services located in actual private residences, not in other locations like automobiles. See Reimbursements for Expenses Incurred by Government Officials Using Cellular Telephone in Private Automobiles, B-229406, Dec. 9, 1988. Accordingly, the express prohibition in 31 U.S.C. § 1348(a)(1) does not apply when those services involve a private business office.

Moreover, the continued use of the fax machine after Admiral Young's tenure as Region Eighteen Commander ended appears to have been proper. As stated above, that use was authorized both by the Commander, Naval Reserve Force (the Admiral's new supervisor), and the new Commander of Region Eighteen, which the latter has confirmed in a memo to the Finance Center.

In view of our conclusion that the fax machine charges may be paid, the Finance Center should take whatever administrative action is necessary to resolve its concern about the proper signatures on the claimant's vouchers.



James F. Hanchman
General Counsel

^{2/} Reimbursement for long-distance phone calls, as distinct from other telephone service charges, generally is permitted under 31 U.S.C. § 1348(b) if required for official business.