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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE:

B-185975

DATE:

OCT 28 1976

MATTER OF:

**John H. Paer - Telephone Installation Charges
at Temporary Duty Quarters**

DIGEST:

Employee on 6-month temporary duty assignment, who lodged in apartment, may be reimbursed cost of telephone installation as a travel expense since telephone was necessary for assignment and 31 U.S.C. § 679 (1970) prohibits reimbursement for such costs only when installation is in private home residences and apartments, not transient quarters. See 41 Comp. Gen. 190 (1961). 52 Comp. Gen. 730 (1973) distinguished.

Mr. E. Schultz of the Navy Finance Office, Naval Air Station, Jacksonville, Florida, by letter dated February 11, 1976, requested an advance decision regarding the propriety of paying the voucher of Mr. John H. Paer for telephone installation costs incurred incident to a temporary duty assignment in Mobile, Alabama. Reimbursement of the costs in the amount of \$30 was disallowed by the Navy Regional Finance Center, Norfolk, Virginia, as prohibited by 31 U.S.C. § 679 (1970). The finance officer inquires as to whether payment may be allowed under our decision 41 Comp. Gen. 190 (1961).

The record shows that Mr. Paer was one of several employees at Mayport Naval Station, Jacksonville, Florida, given a temporary duty assignment in Mobile, Alabama. The temporary duty was in conjunction with the regular overhaul of the USS LEXINGTON by the Alabama Dry Dock and Shipbuilding Company. Arrangements were made to house personnel sent to Mobile in an apartment complex, as the assignment was expected to last approximately 6 months. Each employee was given permission by the Supervisor of Shipbuilding at Mayport Naval Station to have a telephone installed in his or her temporary quarters so that the Senior Project Officer and other supervisors could contact personnel whenever necessary. The overhaul was conducted on a 24 hours a day, 7 days a week basis, and it was necessary to have immediate access to all employees.

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The statutory prohibition in 31 U.S.C. § 679, cited by the Navy Regional Finance Office, states that "Except as otherwise provided by law, no money appropriated by any Act shall be expended for telephone service installed in any private residence or private apartment * * *."

The language of the quoted section has been uniformly construed to prohibit the furnishing at public expense of telephone service to a Government officer or employee in a private home residence, apartment, or quarters, regardless of the desirability or necessity of such service from an official standpoint. 33 Comp. Gen. 530 (1954); 35 id. 28 (1955); 41 id. 190, supra.

However, in 41 Comp. Gen. 190, supra, we held that "hotel rooms" occupied during a limited period of time in connection with a temporary duty assignment were transient accommodations and not a "private residence or private apartment" within the prohibition of 31 U.S.C. § 679. Thus, in that decision we permitted reimbursement of telephone installation charges in a hotel room where adequate telephone service was unavailable. An administrative determination of official necessity of the telephone as a travel expense was required.

In the instant case Mr. Daer and the other employees occupied apartments and not hotel rooms. However, since the temporary duty assignment was for an extended period, the arrangement for use of apartments was in the interest of the Government, as is intended by para. 1-7.3d of the Federal Travel Regulations (FPMR 101-7, May 1973). That paragraph provides that where employees are on extended temporary duty and are able to secure lodging at lower costs, per diem should be adjusted downward. In this case the quarters occupied by the employees, although not hotel rooms, were transient quarters. The fact that such transient quarters were in an apartment complex did not operate to change said accommodations into private home residences. Accordingly, we do not believe that the accommodations in this case come within the prohibition of the cited statute.

Our decision 52 Comp. Gen. 730 (B-177909, April 19, 1973), cited by Mr. Schultz, excluded telephone installation costs as an allowable charge in determining average daily lodging costs for employees on temporary extended duty who occupy an apartment or trailer. In that decision we stated that only charges which

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are ordinarily included in the cost of a hotel room were allowable in determining average daily lodging costs. The issue of installation of a telephone for official purposes was not present in that case. Accordingly, the rationale of 52 Comp. Gen. 730, supra, does not apply.

An administrative determination has been made regarding the official necessity of installation of telephones as an item of travel expense. Accordingly, the voucher of Mr. John H. Daer is returned herewith and may be paid if otherwise proper.

R.F. KELLER

Deputy Comptroller General
of the United States