

Kramer

DECISION



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

[Request for Reimbursement of Telephone Installation and Maintenance] ¹⁴⁸⁷⁵ *PLM II*

FILE: B-199793

DATE: September 11, 1980

MATTER OF: Telephone Usage - Private Residence

DIGEST: Although official duties of the District Commander of the Seventh Coast Guard District require that he be available 24 hours a day to respond to problems arising from the Cuban Refugee Freedom Flotilla, 31 U.S.C. 679 prohibits the District Commander from being reimbursed by the Government for the costs associated with installing and maintaining a telephone in his residence. See Comp. Gen. decisions cited.

The issue is whether the District Commander of the Seventh Coast Guard District is entitled to be reimbursed for the costs associated with installing and maintaining a telephone in his office at his quarters in order to conduct official business. In light of the express statutory provision of 31 U.S.C. 679 (1976) prohibiting payment of such costs, the District Commander may not be reimbursed.

The question was presented by letter of July 25, 1980, from Ms. Velma M. Jones, Authorized Certifying Officer, Seventh Coast Guard District.

The District Commander of the Seventh Coast Guard District is in charge of the Cuban Refugee Freedom Flotilla in the Florida Straits. His duties require that he be available at all times for daily contact with the various local, state and Federal agencies involved.

Presently, the District Commander has a telephone in his quarters for his and his family's personal use and for which he personally pays. However, since the District Commander must be available 24 hours a day the extra telephone activity at his residence has created a burden on his immediate family to the extent that they can neither place nor receive personal calls. Thus, to alleviate this situation the District Commander

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had a telephone to be used for official business installed in his office at his quarters. It is for this telephone which reimbursement is sought.

Section 679, title 31, United States Code (1976), applies to this situation. That section provides as follows:

"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 or for tolls or other charges for telephone service from private residences or private apartments, except for long-distance telephone tolls required strictly for the public business, and so shown by vouchers duly sworn to and approved by the head of the department, division, bureau, or office in which the official using such telephone or incurring the expense of such tolls shall be employed: Provided, That the cost of installation and use of telephones in residences leased or owned by the Government of the United States in foreign countries for the use of the Foreign Service may be allowed from Government funds, under such regulations as may be prescribed by the Secretary of State, except that the restrictions in this section relating to long-distance tolls shall also apply to telephones installed in such official residences."

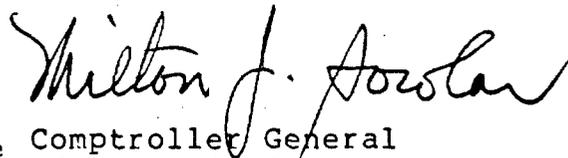
We have consistently held that 31 U.S.C. 679 constitutes a mandatory prohibition against the payment of costs associated with the installation of telephones in quarters occupied as private residences by Government officers or employees even though the telephones were extensively used for the transaction of public business and from an official standpoint the telephones were desirable or necessary. See, B-175732, May 19, 1976; B-130288, February 27, 1957; 33 Comp. Gen. 530 (1954); 11 Comp. Gen. 87 (1931); and 4 Comp. Gen. 19 (1924).

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Moreover, we have held that using a room in a private residence as an "office" where a regular office with a telephone is available elsewhere does not constitute an exception to the prohibition of 31 U.S.C. 679. 21 Comp. Gen. 997 (1942); 7 Comp. Gen. 651 (1928). Exceptions have been made only when the private residence in question serves as the only location available under the circumstances for the conduct of official business. See e.g., 4 Comp. Gen. 891 (1925) permitting an isolated lighthouse keeper to have a telephone installed in his combined office and home at Government expense. See also, 19 Comp. Dec. 212 (1912); 19 Comp. Dec. 350 (1912).

Since the District Commander is already provided with an office by the Coast Guard, we do not feel that the present situation falls within the above-stated exception. It is unfortunate that his family may suffer some inconveniences due to the nature of his duties in connection with the Cuban refugees. However, the relief sought may not be granted in light of the statutory prohibition of 31 U.S.C. 679.

Accordingly, the District Commander may not be reimbursed by the Government for the costs associated with installing and maintaining a telephone in his office in his residence in order to carry out his official duties.



For the Comptroller General
of the United States