

DECISION

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

FILE: B-206980**DATE:** November 4, 1982**MATTER OF:** Sergeant Luis C. Armendariz, USAF

DIGEST: A service member who is single, without dependents, was assigned to a Government-leased apartment. While the apartment did not qualify as family quarters because of size, it still substantially exceeded the single member housing standards of the Air Force. In line with the purpose for which a basic allowance for quarters at the partial rate (37 U.S.C. 1009) is payable and the reasoning in 56 Comp. Gen. 894 (1977), since the member's housing here is of a significantly higher value than would normally be assigned him, the member is not entitled to a basic allowance for quarters at the partial rate while so assigned.

This action is in response to a request for a decision from the Accounting and Finance Officer, Travis Air Force Base, concerning the entitlement of Sergeant Luis C. Armendariz, USAF, to receive a basic allowance for quarters at the partial rate while occupying Government-leased quarters. This matter has been assigned control number DO-AF-1387 by the Department of Defense Military Pay and Allowance Committee.

The question asked is whether a basic allowance for quarters at the partial rate is payable to a single member when he is assigned to quarters which substantially exceed the minimum criteria for single-type housing but are not considered adequate by the service concerned for classification as family-type quarters because they include only one bedroom. In this circumstance we hold that basic allowance for quarters at the partial rate is not payable.

According to the submission, in January 1980 Sergeant Armendariz, who is single and is a

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military recruiter, was assigned to a Government-leased, one-bedroom apartment in Modesto, California. The authorized Air Force on-base quarters for a single sergeant would contain a minimum of 135 square feet, would probably consist of a room shared with another member, would have no kitchen facilities, and would have only a central latrine. The leased one-bedroom apartment has approximately 600 square feet of space and includes a bedroom, living room, kitchen and bathroom.

It is pointed out that while the leased apartment is much larger than is the typical quarters of a single member, it is not considered to be adequate by Air Force standards for accompanied personnel, since as a rule such personnel are not assigned to one bedroom quarters.

It is also pointed out that the cost to the Government of leasing Sergeant Armendariz's apartment is \$225 a month. If he had secured his own housing the maximum basic allowance for quarters which he could receive at that time and at that location, would have been \$123.90. In view of the fact that the apartment cost the Government more than the basic allowance for quarters otherwise payable, doubt is expressed as to whether Sergeant Armendariz is entitled to the partial basic allowance for quarters.

Subsection 403(a) of title 37, United States Code, authorizes payment of a basic allowance for quarters, but subsections 403(b) and (c) limit that entitlement to those who are not assigned adequate Government quarters and those not on field or sea duty.

Section 1009(c)(2) of title 37, United States Code, (previously section 1009(d)) authorizes a partial basic allowance for quarters as follows:

"Under regulations prescribed by the President, whenever the President exercises his authority under paragraph (1) of this subsection to

allocate the elements of compensation specified in subsection (a) of this section on a percentage basis other than an equal percentage basis, he may pay to each member without dependents who, under section 403(b) or (c) of this title, is not entitled to receive a basic allowance for quarters, an amount equal to the difference between (1) the amount of such increase under paragraph (1) of this subsection in the amount of the basic allowance for quarters which, but for section 403(b) or (c) of this title, such member would be entitled to receive, and (2) the amount by which such basic allowance for quarters would have been increased under subsection (b)(3) of this subsection if the President had not exercised such authority."

The legislative history of 37 U.S.C. 1009(d) shows that its purpose was to authorize payment of a partial rate basic allowance for quarters to members without dependents when they were not entitled to a regular basic allowance for quarters because they were assigned to single-type Government quarters. This was in recognition of the fact that the value of Government-furnished bachelor quarters, barracks, and quarters furnished in the field and at sea are of lesser value than the basic allowance for quarters the single member loses when he is required to occupy such quarters.

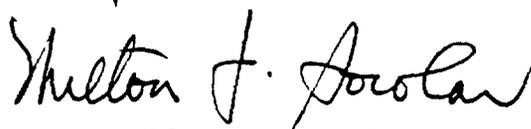
In 56 Comp. Gen. 894 (1977), question 3 related to whether a single member without dependents was entitled to the partial rate when assigned to family-type quarters. That question was answered in the negative. We pointed out that Congress enacted those provisions because the value of Government single quarters was substantially less than the value of family quarters. Thus, if a single member is

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assigned to family-type quarters he is not entitled to the partial rate since he is receiving the benefit of the higher value housing.

In the present case, while the Government-leased housing was not family-type housing, it was housing of a significantly higher value. Both the cost to the Government and accommodations provided were greater than that which would normally be authorized for single members without dependents. As we found in the case where a single member is assigned family-type quarters, the partial quarters allowance was not intended to apply to a member who is receiving the benefit of quarters substantially exceeding the value of ordinary bachelor quarters.

Therefore, while Sergeant Armendariz, as a single member, occupies an apartment rented by the Government for his use while on recruiting duty, he is not entitled to a basic allowance for quarters at the partial rate.

for 
Comptroller General
of the United States