

DECISION



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

FILE: B-213660

DATE: May 3, 1984

MATTER OF: Airman First Class Vernell J. Townzel

DIGEST:

A member of the Air Force who was ordered to vacate his quarters in a Government dormitory for 3 months during renovation was authorized reimbursement for allowing his private telephone service to continue as a less costly alternative to paying reconnection charges at his temporary quarters. During that period although he could not use his telephone he was able to charge toll calls to his account. Use of appropriated funds for reimbursement for the service charges that accrued during renovation is prohibited under 31 U.S.C. § 1348. Relocation of a telephone for this temporary period is not analogous to the situation in which telephone relocation charges were authorized because that case involved a permanent move caused by Government necessity and not a temporary move. Absent authority to pay for relocation of telephone service there is no authority to pay for basic service charges.

An Accounting and Finance Officer of the Department of the Air Force¹ requests a decision on the question of whether Airman First Class Vernell J. Townzel may be reimbursed basic telephone service charges he incurred for private telephone service installed in a Government dormitory for a 3-month period when the dormitory could not be occupied because of renovations. The base commander authorized payment as a lower cost alternative to payment of reconnection charges, which he believed could be paid in connection with the member's move to and from temporary quarters. Payment of these charges from appropriated funds is prohibited by 31 U.S.C. § 1348.

¹ M. D. Mason, Captain, USAF, Accounting and Finance Officer, Headquarters 82nd Flying Training Wing (ATC), Williams Air Force Base, Arizona.

Airman Townzel was ordered by the base commander to vacate a Government dormitory during a period when renovations were being made. He had private telephone service in the dormitory for which he paid a monthly service charge. The commander believed that under our decision, Matter of Foster, 56 Comp. Gen. 767 (1977), he had the authority to reimburse the member for the cost of disconnecting the telephone upon vacating the quarters and reconnecting it upon reoccupying. However, because these costs would have been greater than the anticipated charges for retaining the dormitory telephone service, the member was advised that if he retained the service (while removing the telephone), he would be reimbursed basic service charges during the renovation period.

While the work was in progress the member was denied access to the dormitory. However, he charged toll calls to his dormitory telephone account. At the temporary quarters, the member had access to a phone for outgoing calls, but could not receive incoming calls on the same basis as he did when he had his own telephone service.

The Accounting and Finance Officer asks whether 31 U.S.C. § 1348 prohibits reimbursement of a basic service charge paid by a member on a telephone installed in a Government dormitory for a 3-month period when the dormitory was vacated by order of the base commander.

That section provides in part:

"* * * appropriations are not available to install telephones in private residences or for tolls or other charges for telephone service from private residences."

We have consistently held that residential quarters on a military installation are covered by that prohibition. 21 Comp. Gen. 997 (1942). But we have held that this statute should not be interpreted so as to preclude reimbursement to an individual for an expense incurred as a result of Government action over which he had no control. When a Government operated mobile home park was closed and a service member required to relocate his mobile home, we concluded that the statute did not preclude the reimbursement

B-213660

of telephone reconnection charges at the new location.
Matter of Foster, 56 Comp. Gen. 767 (1977).

In that case, the member was permanently relocated because of the Government's action whereas in this case the member's occupancy of the quarters was only interrupted for a relatively short period, 3 months. Therefore, in this case it was not necessary as it was in Foster for the telephone to be disconnected since the member returned to the quarters involved. Additionally, the member occupied other Government quarters during the renovation with limited telephone service available. He also continued to be able to charge toll calls to the service in the quarters being renovated. Under these circumstances, it is our opinion that reimbursement for reconnection of the member's telephone service in the temporary quarters would not have been appropriate. Likewise, reimbursement for the disconnection and reconnection charges in the quarters being renovated is not appropriate. As a result, the authorization to reimburse him for the continued telephone service in the dormitory being renovated based on the comparatively lower cost, was given without proper authority.

Additionally, these circumstances are distinguishable from the decision in which we authorized payment of telephone service charges for a telephone installed in an official residence overseas for the period during which that residence was not occupied. 60 Comp. Gen. 490 (1981). In that case the employee received no benefit from the telephone service, since he was not occupying the quarters. However, it was in the best interest of the United States to maintain the service under a long-term contract since the telephone service was deemed essential for the individuals who would occupy the quarters and reinstallation of service in the area often involved delays. None of these factors is present in this case.

Accordingly, it is our position that in the circumstances presented reconnection charges and alternatively, continued basic telephone charges may not be reimbursed because of the prohibition of 31 U.S.C. § 1348.

While it is unfortunate that the base commander authorized the payments to be made on the basis of an expanded interpretation of our decision, this does not

B-213660

afford a basis for payment of Airman Townzel's claim and it must be denied. The voucher will be retained here.

for *Harry R. Van Cleave*
Comptroller General
of the United States