

DECISION

THE COMPTROLLER GENERAL
OF THE UNITED STATES

WASHINGTON, D.C. 20548

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overruled by 56 C.G. 767 (added 7/30/79)

FILE: B-183531

DATE:

AUG 21 1975

MATTER OF:

Telephone installation charges - SFC

DIGEST:

Sergeant's claim for reimbursement of telephone installation charges incurred due to involuntary move from Government-provided quarters for purpose of renovation required by Government does not contain elements of legal liability or equity as would warrant reporting to Congress under Meritorious Claims Act of 1928.

This action is in reference to a letter dated March 5, 1975, with enclosures, from SFC, requesting that our Office review his claim for telephone installation charges under the so-called Meritorious Claims Act, 31 U.S.C. § 236 (1970).

The facts giving rise to the claim are briefly indicated in the record as follows:

"SFC was involuntarily moved from government provided quarters at to 30-B in order to accommodate scheduled renovation of government quarters required by the government. Upon completion of the renovation, SFC will again be required to move back into his quarters at Road. As a direct result of the above mentioned moves SFC has suffered monetary loss in the amount of \$60.00 for the installation of telephone services at the quarters mentioned. An enclosed statement by Major Jack S. Hart bears evidence to the fact that SFC is required to have a telephone in his quarters."

Section 679 of title 31, United States Code (1970), provides in part:

"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 * * *."

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In view of this prohibition our Office has not allowed payment from appropriated funds of any part of the expense of furnishing telephone service to Government personnel in their private residences. See, e.g., 35 Comp. Gen. 28, 30 (1955).

Also, where an Air Force sergeant incurred telephone relocation charges in connection with an ordered move from quarters solely for the purpose of vacating quarters to allow their renovation, we held that he was not entitled to reimbursement for such expense in view of the prohibition contained in 31 U.S.C. § 679 (1970). B-182727, February 5, 1975.

The so-called Meritorious Claims Act (approved April 10, 1928, ch. 334, 45 Stat. 413, 31 U.S.C. § 236 (1970)) provides that when a claim against the United States is filed in this Office that may not be lawfully adjusted by use of an appropriation theretofore made, but which claim in the judgment of the Comptroller General contains such elements of legal liability or equity as to be deserving of the consideration of the Congress, it shall be submitted to the Congress with his recommendations. SFC requests that his claim be submitted to the Congress pursuant to that provision.

The remedy provided by the Meritorious Claims Act is an extraordinary one and its use is limited to extraordinary circumstances. The cases reported for the consideration of the Congress have involved equitable circumstances of an unusual nature which are unlikely to constitute a recurring problem, since to report to the Congress a particular case when similar equities exist or are likely to arise with respect to other claimants would constitute preferential treatment over others in similar circumstances.

Based on the information submitted, it is not considered that the member's claim has elements of equity of an unusual nature which are unlikely to recur. Accordingly, it is not believed that it would be appropriate for this Office to submit a recommendation to the Congress for relief of SFC. Other than a request for private relief legislation, we are unaware of any other recourse that would be available to the member, except, of course, the filing of a court suit.

R.F.KELLER

Comptroller General
of the United States