



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Timothy R. Manns - Installation of Telephone
Equipment in Employee Residence

File: B-227727

Date: March 7, 1989

DIGEST

The National Park Service may use appropriated funds to install private telephone service in residence of employee who was required to temporarily vacate his government-furnished residence for about 2-1/2 months during renovation. It is doubtful that Congress intended to preclude payment in such cases when enacting 31 U.S.C. § 1348(a)(1) (1982), which generally prohibits the payment of any expense in connection with telephone service installed in a private residence. Airman First Class Vernell J. Townzel, B-213660, May 3, 1984, overruled.

DECISION

This decision is in response to a request from Mr. Mark D. Hooper, Certifying Officer, Rocky Mountain Regional Office, National Park Service, U.S. Department of the Interior. Mr. Hooper requests a decision regarding the propriety of using appropriated funds to install a telephone in the temporary residence of Mr. Timothy R. Manns, a National Park Service employee, and subsequently to reinstall a telephone in Mr. Manns's permanent residence. For the reasons set forth below, we conclude that appropriated funds may be used for these purposes.

Mr. Manns was forced to vacate his government quarters temporarily for needed repairs. The Park Service has paid the cost of moving the employee's household goods from one set of quarters to another as administrative costs of operating the installation, but questions whether it may pay certain telephone charges on the same basis. The costs at issue here were charges by the telephone company to move Mr. Manns's personal telephone to temporary government

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quarters on January 2, 1987, and to return it to his permanent quarters on March 18, 1987, each at a cost of \$41.25.

The use of appropriated funds to install telephones in private residences is prohibited generally by 31 U.S.C. § 1348(a)(1) (1982), which provides:

"Except as provided in this section, appropriations are not available to install telephones in private residences or for tolls or other charges for telephone service from private residences."

The statute generally constitutes a mandatory prohibition against the use of appropriated funds to pay any part of the expense of furnishing telephone service to an employee in a private residence. See 59 Comp. Gen. 723 (1980), and cases cited therein.^{1/} Although the statute is strictly applied, there have been instances in which we have determined that the prohibition did not apply when the expense was incurred as a result of government action over which the individual had no control. For example, one case involved the closing of an Air Force-operated mobile home park and the relocation of Air Force members' mobile homes to a new location which was directed at government expense. We concluded that 31 U.S.C. § 1348(a) did not preclude reimbursement of the service members' telephone reconnection charges at the new location. Technical Sergeant Ezra Foster, 56 Comp. Gen. 767 (1977). We observed that:

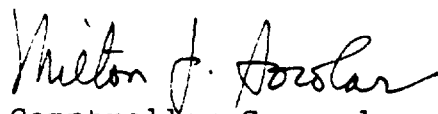
"[w]hile the statute was intended to preclude any possibility of the Government bearing the costs of telephone service in private residences, it is questionable that the Congress intended to preclude the reimbursement of telephone reconnection charges caused by Government action. . . . We do not believe that in enacting this law the Congress intended to preclude an individual from being reimbursed for an expense incurred as a result of Governmental action over which he had no control." 56 Comp. Gen. at 768.

^{1/} The certifying officer notes that the Park Service does have limited authority under 16 U.S.C. § 17j-2(i) to pay for official telephone service installed in private houses when authorized under regulations issued by the Secretary of the Interior. Since the service in the present case is personal, not official, this authority does not apply.

In a later case, however, which involved a situation very similar to that of Mr. Manns, we held that reimbursement of telephone charges was prohibited. In that case, Airman First Class Vernell J. Townzel, B-213660, May 3, 1984, an Air Force member was required to vacate his government quarters while they were being renovated and to move to temporary quarters for a 3-month period. During the 3-month period, the service member paid the monthly service charges on his telephone in the quarters under renovation since that was less than the disconnecting and reconnecting charges would have been. Some limited use of official telephone service to make outgoing calls was available to the member at the temporary quarters, and he could continue to charge toll calls to the service in his permanent quarters. We held that reimbursement for reconnection of telephone service in the temporary quarters was not appropriate and, likewise, reimbursement for continued service in the quarters being renovated was not appropriate. We distinguished the Foster case primarily on the basis that Foster involved a permanent relocation whereas in the Townzel case the occupancy of the quarters was temporarily interrupted for only a relatively short period.

As a result of the present request for advance decision in Mr. Manns's case, we have reconsidered the distinction drawn in the Townzel case. Upon further reflection, we do not find that the distinction between a permanent relocation and a temporary relocation is valid where in both cases the individual is being required to relocate from government housing facilities through government action over which he has no control. Therefore, that distinction will no longer be made, and Airman First Class Vernell J. Townzel, B-213660, May 3, 1984, is overruled.

Accordingly, in Mr. Manns's case reimbursement for telephone connection and reconnection charges may be made on the same basis as for other utility connection charges.

for 
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of the United States