

Federal laws give mobilized soldiers peace of mind

STAFF SGT. MARCIA TRIGGS

Army News Service

WASHINGTON – Inquiries about federal laws that give financial relief to mobilized troops have doubled in recent months.

Some soldiers are discovering that debts incurred after they were mobilized, along with car leases and cell phone bills, are their personal responsibility, said an official from the Office of the Judge Advocate General.

Both the Soldiers' and Sailors' Civil Relief Act and the Uniformed Services Employment and Reemployment Rights Act were enacted for the protection of service members, and soldiers are fully briefed on their rights and benefits during the mobilization process, said John Meixell, a JAG attorney with the Department of the Army's Legal Assistance Policy Division.

Not only do soldiers have laws protecting their interest, there are thousands of volunteers who are working to make sure those laws are understood and enforced.

The Employer Support of the Guard and Reserve, which advocates the Employment and Reemployment Act, is gauging its success by the increased number of queries received from reservists and employers since Sept. 11, 2001.

The ombudsmen at the ESGR's Arlington office, who provide information, counseling and mediation about complying with the employment rights law, averaged 150 calls weekly before Sept. 11, officials said. Now they are getting 250 to 300 calls per week.

The Employer Support of the Guard and Reserve provide answers to both employees and employers, but the questions have to be asked.

Benefits don't come automatically, Meixell said. One of the benefits of the SSCRA is an interest cap. In order to get creditors to reduce interest rates to at least six percent on all debts that were made prior to active-duty, service members must provide their lenders with a written request, Meixell said.

In return, lenders must reduce the monthly payments, and not increase the payments on principal to the point that they equal the pre-service payment amount, thereby paying the loan off early, the SSCRA states.

"In good conscious, individuals who will not adversely be affected financially should not invoke that right. The 6 percent cap was designed to protect service members whose income is less while on active duty compared to as a civilian," Meixell said.

"However, you can't just look at a soldier's income. Due to the mobilization, the spouse may have to give up her job, and that constitutes a loss of income," Meixell added.

It's the responsibility of the lender to prove that a soldier will not suffer a financial loss while on active duty, the SSCRA states. In the meantime, the creditor must implement the 6 percent interest cap, Meixell said. Usually a phone call from an assistant U.S. attorney is all it takes to get a reluctant lender to comply, he added.

The cap is only for charges that were made prior to being mobilized, Meixell said, even if the card was acquired prior to service.

Federally guaranteed student loans are not protected by the interest cap. In addition to the interest cap, SSCRA provides mobilized soldiers with the option of terminating leases for property that was used for dwelling, professional, business, agricultural or similar purposes.

"Automobile leases and cell phone contracts are not covered under the act," Meixell said. "Some soldiers thought they could terminate those contracts, and were hit with termination costs. In those situations before a soldier stops payment, he should consult with an attorney, who is often able to work with the lender or the telephone company on some type of agreement."

The Soldiers' and Sailors' Civil Relief Act of 1940 protects Army Reserve and National Guard members who are called to active duty. It protections cover them mortgage foreclosures, and adverse court proceedings. The protection begins

on the date the reservist enters active-duty service and ends upon release from active duty.

A collector or landlord may not seize property or evict a service member or his family members if the rent does not exceed \$1,200 monthly, during a period of military service, unless the landlord can show that the soldier can financially afford to pay the rent.

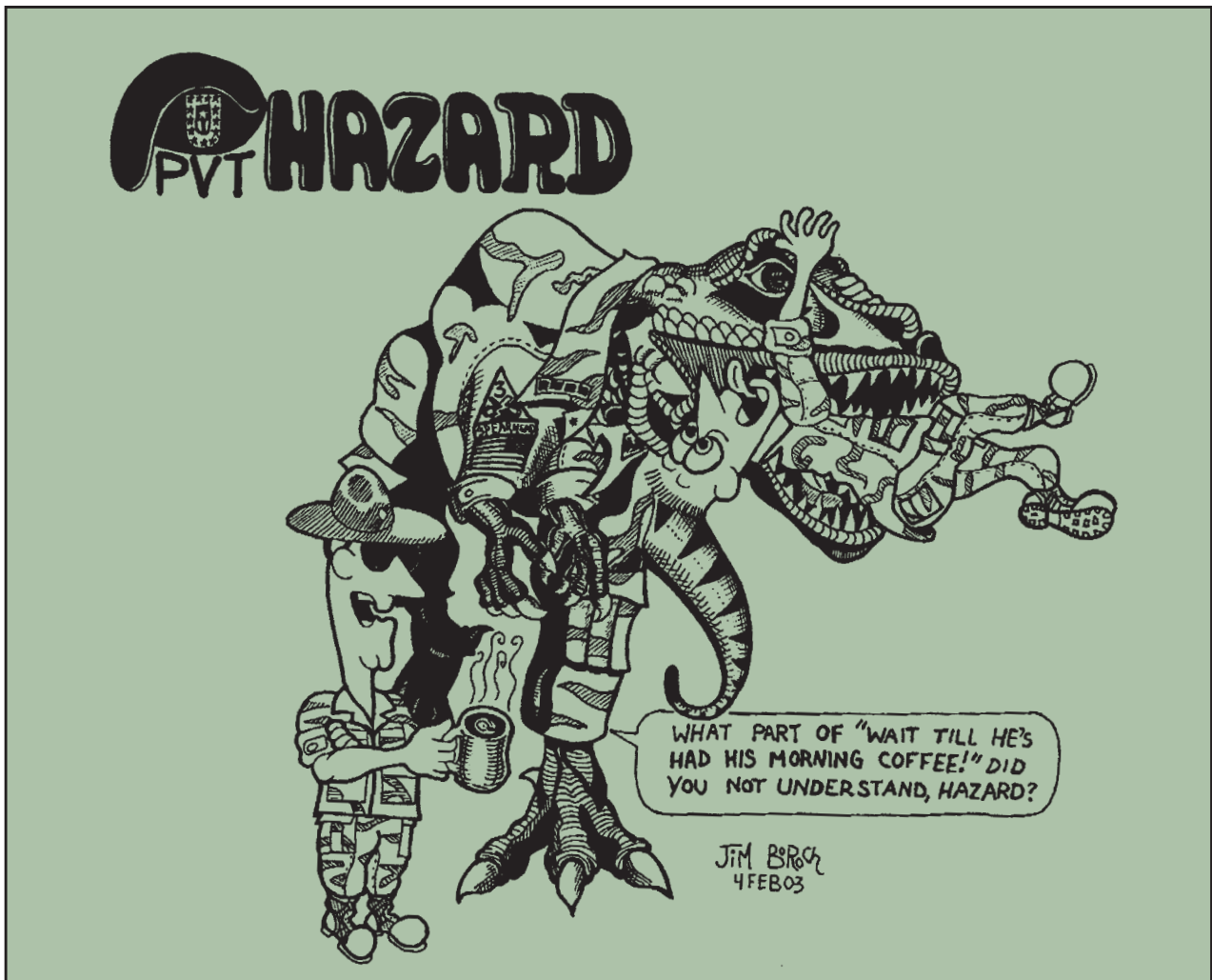
A defendant in a civil lawsuit may request a postponement of court proceedings. The provision only applies to civil lawsuits, suits for paternity, child custody suits and bankruptcy, debtor and creditor meetings, the SSCRA states.



Scanning the landscape

Spc. Bobby Jenkins, assigned to Company D, 3rd Battalion, 43rd Air Defense Artillery, scans the landscape around Patriot missiles based in Southwest Asia.

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 Submit articles to monitor@bliss.army.mil.