

***THE US ARMY WAR COLLEGE
GUIDE TO LEGAL SERVICES***

***OFFICE OF THE POST JUDGE ADVOCATE
Garrison Headquarters
Upton Hall, Building 22
Carlisle Barracks, PA 17013-5008
(717) 245-4940***

**OFFICE OF THE POST JUDGE ADVOCATE
GUIDE TO LEGAL SERVICES
TABLE OF CONTENTS**

INTRODUCTION

CHAPTER 1: General Information

CHAPTER 2: Notary Public

CHAPTER 3: Powers of Attorney

CHAPTER 4: Taxation

CHAPTER 5: Wills

CHAPTER 6: Claims

Map to the Post Judge Advocate's Office

NOTE: This guide briefly summarizes the law office resources available to Soldiers and their family members and aims to provide guidance concerning whom to contact for a legal matter while assigned to Carlisle Barracks. There are a myriad number of issues contemplated, including (but not limited to) the purchase of real estate, adoption, consumer problems, loan/credit concerns, and family law. Information and/or assistance in these areas and others can be obtained at the Office of the Post Judge Advocate. If unsure as to whether on-post legal resources are available for a particular matter, it is advisable to call for an inquiry at 717- 245-4940. In addition, announcements and other items of interest to the community are published in the post bulletin, Retired Services Newsletter, and similar publications.

INTRODUCTION

CONFIDENTIAL RELATIONSHIP WITH YOUR LEGAL ASSISTANCE ATTORNEY

Any consultations or discussions you may have with a Judge Advocate concerning legal assistance are strictly confidential. Your communications with a Judge Advocate will be private and any information which you may discuss will not be revealed to other persons without your consent.

THINGS TO REMEMBER WHEN SEEKING LEGAL ADVICE

Before any adequate advice can be given on a particular problem, the Legal Assistance Attorney will need two things:

1. Time to talk with you to review all relevant circumstances in detail.
2. All the facts pertaining to your legal matter. Accordingly, please have all supporting documentation with you at the time of the meeting.

Additionally, it is wise to prepare checklist of facts and questions which you would like to discuss with the Legal Assistance Attorney. This will help ensure that all matters sought to be discussed are handled in a timely and efficient matter.

CHAPTER 1 GENERAL INFORMATION

MISSION: The Legal Assistance Office furnishes advice and assistance on a wide array of civil and military legal matters on behalf of its clients.

WHO IS YOUR LEGAL ASSISTANCE ATTORNEY? Your Legal Assistance Attorney is a commissioned officer on active duty who is a member of the Judge Advocate General's Corps. Your Legal Assistance Attorney is a lawyer and is admitted to a federal court or the highest court of a state or territory. However, he or she is not necessarily admitted to practice in the Commonwealth of Pennsylvania. In certain instances, the Legal Assistance Attorney might be a reserve Judge Advocate on active duty, or a Department of the Army attorney-advisor.

WHERE IS THE OFFICE OF THE POST JUDGE ADVOCATE? Legal Assistance and Claims Services may be obtained at the Office of the Post Judge Advocate, Upton Hall, Building 22, Carlisle Barracks, Carlisle, Pennsylvania.

WHO IS ENTITLED TO LEGAL ASSISTANCE? The services of the Office of the Post Judge Advocate are available to active duty and retired personnel of the United States Armed Forces and their family members.

WHEN CAN YOU OBTAIN LEGAL ASSISTANCE? The Office of the Post Judge Advocate is open for legal assistance appointments as follows:

| | |
|---------------------------|-------------------|
| Monday, Wednesday, Friday | 0830 - 1600 hours |
| Tuesday, Thursday | 0830 - 1130 hours |

Note: The hours between 1300 – 1600 on Tuesdays and Thursdays have been made available for walk-in (unscheduled) appointments. When possible, however, one should attempt to schedule a meeting with a Legal Assistance attorney in advance so as to allow for a prompt appointment.

| | |
|---------------------|--|
| Occasional Weekends | As announced in the Carlisle Barracks Bulletin |
|---------------------|--|

**To schedule an appointment with an attorney, call the Legal Assistance Office at:
717-245-4940**

Attorney Services: Attorneys and the personnel are available beyond these established times in cases of emergencies and operational necessity.

TELEPHONIC LEGAL ASSISTANCE - Please do not ask our staff to provide Legal Assistance over the phone. This office can not provide such advice.

Notary Services and Powers of Attorney are available on a walk-in basis on all work days.

CHAPTER 2 NOTARY PUBLIC

INTRODUCTION: Many legal documents are required to be authenticated or notarized to be valid. This requires the service of a Notary Public.

SERVICES OF A NOTARY PUBLIC: A Notary Public is a person who is legally authorized to administer oaths, authenticate certain documents, acknowledge signatures and perform other similar services which can expedite handling of your legal affairs. Notary Public services are furnished free of charge by the Office of the Post Judge Advocate. Before seeing a Notary Public, the following matters should be considered:

1. **Proper Identification** - A Notary Public is subject to severe penalties for improper performance of notary services. Consequently, do not be surprised that the Notary will pay close attention to such "details" as your identification and the nature of your signature.
2. **Signature** - **DO NOT** sign any papers which you desire to have notarized until you are told to do so by the Notary. Where both a husband and wife are required to have their signatures notarized, both must appear before the Notary. **DO NOT** make any changes in the document(s) until you have seen the Notary or an attorney.
3. **Personal Appearance** - Documents **CANNOT** be notarized unless the individual whose signature is to be notarized appears in person before the Notary.
4. **Blank Forms** - **DO NOT** ask a Notary Public to notarize a blank form. All blanks should be completely filled in when you sign any document.
5. **Military Notary** - The office attorneys are authorized to notarize documents pursuant to 10 USC 1044a; however, Pennsylvania state law has severely curtailed the ability of the military attorneys to notarize documents within the state of Pennsylvania. The attorneys, on an appointment basis, are able to notarize documents to be presented to the Veterans Administration and to certify copies of DD 214 upon retirement.

CHAPTER 3 POWERS OF ATTORNEY

INTRODUCTION: If, due to PCS, TDY, leave, or deployment, you have a need for a power of attorney or for a variety of other reasons, the Office of the Post Judge Advocate can help you.

WHAT IS A POWER OF ATTORNEY? A power of attorney is a legal document which gives another person (called an “agent” or an “attorney-in-fact”), whose name is stated on the document, the power to act on behalf of the person who makes the document (also known as the “principal”). Every act the agent does with the authority granted to him by the wording of the document is legally binding upon the principal who signed the power of attorney. There are several classifications of these types of documents:

1. General Power of Attorney - A general power of attorney gives an agent all the power the principal possesses to act with respect to any matter. It allows the agent the power to do all things the principal could do himself.
2. Special or Limited Power of Attorney - A special or limited power of attorney authorizes an agent to do one or more certain specified acts, such as ship household goods, sell an automobile, or cash a paycheck.
3. Durable Power of Attorney - A durable power of attorney empowers an agent to perform an act on behalf of the drafter, even if the principle should become incapacitated.

USE OF POWER OF ATTORNEY - Regardless of the nature of the power of attorney, general or limited, it should never be prepared and signed unless there is absolute trust and confidence in the person to whom it is being granted. Careful planning should be made to ensure the power of attorney specifically addresses the needs of the principle while safeguarding the principle’s interests in such a way so as to preclude any misuse, either willful or accidental. A general power of attorney should be utilized only when you have the necessary assurances that it will not be misused and the recipient is clear as to its intended purpose.

Additionally, when executing a general power of attorney, remember that the agent will not be limited by your judgment as to the appropriateness of any contract, purchase, or sale which the power enables him or her to make in your name. If a special power of attorney can possibly accomplish your needs; it is worth considering whether such a document would adequately achieve your predetermined objectives.

Teen Club and Chapel activities in which your children will participate will require a General Release and a Special Power of Attorney for the respective activity. These will be provided by either the Teen Club or the Chapel when you enroll your child in the program.

NOTARIZATION is required to execute a power of attorney. Notary services are available at the Office of the Post Judge Advocate.

CHAPTER 4 TAXATION

INTRODUCTION: The Office of the Post Judge Advocate provides information and guidance on State and Federal Income Taxes. If you have specific questions concerning your filing requirements, the Office of the Post Judge Advocate can help you. During the tax season, the Office of the Post Judge Advocate is open on an appointment basis to assist you with your taxes.

STATE INCOME TAXES: Services members are not excused or exempt from state or local income taxes because they are on active duty. It is the service member's obligation to ascertain and comply with the tax laws of his or her state of domicile and obtain legal guidance when unsure.

FEDERAL INCOME TAXES: Most service members are required to file a federal income tax return. Income from all sources are taxable unless specifically excluded from taxation by law.

VOLUNTEER INCOME TAX ASSISTANCE (VITA): The PJA Office has initiated a VITA program to assist low income, elderly, non-English speaking and handicapped persons prepare their Federal and State Income Tax Returns. The volunteers are trained by the IRS and are aware of the current trends and changes in the tax law.

CAR REGISTRATION AND SALES TAXES:

(a) Nonresidents of Pennsylvania. Under the Provisions of the Service members Civil Relief Act ("SCRA"), a soldier who is in a state because of military orders does not automatically gain residence in that state nor lose his or her residence in the home state. Therefore, if a nonresident of Pennsylvania is stationed in Pennsylvania he is not required to register his POV in Pennsylvania, provided that it is registered in his "home state." However, the vehicle may not be legally registered in a third state, for instance, his former duty station. Doing so may subject the service member to unintended taxation by that state.

If the nonresident service member chooses to register his automobile in Pennsylvania, there is no military exemption from the state sales tax.

(b) Pennsylvania Residents. *A Pennsylvania resident stationed in Pennsylvania must register his or her automobile in Pennsylvania.*

CHAPTER 5 WILLS

INTRODUCTION: A will is typically the best method for estate planning.

HOW LONG IS A WILL VALID? Your will is valid until you change it or destroy it. By making a new will, you revoke an older one. When a considerable period of time has passed since you prepared a will, you should reevaluate the way your property would pass in light of changes in your family status or regarding changes in property holdings. You may want a new will which takes these, or other matters, into consideration. If unsure about whether you should update your will, speaking with an attorney is the best way to determine whether your change in circumstances warrants the creation of a new estate plan.

HOW DO I GET A WILL? The Office of the Post Judge Advocate will interview you and/or your spouse on an appointment basis in accordance with established office hours.

Please, do not wait until you are ready to depart Carlisle Barracks to have your will interview. It is important that you are interviewed for a will upon your arrival to Carlisle Barracks so that the document can be properly drafted and executed.

Army War College students should schedule their will interviews for no later than March to ensure their wills can be completed and properly executed prior to their departure.

We provide will worksheets for your appointment. The information requested on the will worksheet needs to be seriously considered before coming in to meet with an attorney.

A will worksheet is available at:

<http://carlislebarracks.carlisle.army.mil/installation/legal.cfm>.

Please have your form carefully thought out and completed prior to your appointment.

CHAPTER 6 CLAIMS

INTRODUCTION: Congress has enacted a number of laws giving private individuals the right to file claims against the United States. For advice or assistance in specific situations, you should contact the ***Claims Section, Office of the Post Judge Advocate, Upton Hall, Building 22, Telephone 245-3242.***

TYPES OF CLAIMS

1. Personal Property claims are the most common type of claim encountered by military personnel. In the fall 2007, DoD Customers (Service Members and Department of Defense Civilians) became eligible for Full Replacement Value (FRV) protection on most DoD funded personal property shipments. FRV coverage will apply to personal property shipments with a pickup date on or after: 1 October 2007 for International shipments (to / from OCONUS); 1 November 2007 for Domestic shipments (within CONUS); 1 March 2008 for Non-Temporary Storage (NTS) shipments; and 1 March 2008 for Local Move/Direct Procurement Method (DPM) shipments.
2. Theft Claims arising from theft losses have strict limitations on payment.
3. Tort Claims are claims for personal injury or property damage due to negligence of government employees or agents
4. Medical Care Recovery Claims

There are other types of claims and claim procedures that can often become very complicated. For advice regarding claims, you should contact the Claims Office. Two points are emphasized: the government is not an absolute insurer; and claims regulations are not meant to provide total coverage. The claims regulations should not be relied upon as a substitute for private insurance in view of the limitations on the types of losses covered and on the amounts payable for many categories of property. Purchase of personal property, liability, and fire insurance is strongly recommended.

NOTICE TO CARRIER: If your loss arises from shipment of household goods, you **must** notify the Carrier or Claims Office of the loss, using a DD form 1840/R, **within 70 days of delivery**. Failure to timely notify the Carrier or Claims Office will result in a deduction from or possible denial of your claim.

WHAT IF YOU HAVE PRIVATE INSURANCE? If you have private insurance that covers all or part of your loss you may file against your insurance carrier if you choose to do so. The new Army policy is that you **DO NOT** have to file with your private insurance before you can be paid by the Army.

PERSONNEL AND HOURS OF OPERATION: The Claims Office consisting of 2 adjudicators is open Monday, Tuesday, Thursday and Friday from 0830-1600 hours. The Claims Office is closed to the public on Wednesday for claims adjudication. Claims that will be processed through our office may be mailed in or dropped off.

Directions to Upton Hall

Office of the Post Judge Advocate (PJA)
22 Ashburn Drive
Carlisle, PA 17013
Building 22, Room 105

