



Welcome to USAG Grafenwöhr Legal Briefing

Office of the Staff Judge Advocate

Important Legal Topics



- Legal Assistance
 - Powers of Attorneys, Wills, Insurance
 - Family Law Issues (Marriage, Separation, Divorce, Child Support, etc.)
 - Service Members Civil Relief Act (SCRA)
 - Cell Phone and Consumer Contracts
 - Economic, Civil, and Military Administrative
 - Pre- and Post- Deployment Processing
- Tax Assistance
- Claims and Personal Property Assistance

Important Legal Topics:

General Legal Assistance



Taking care of personal legal affairs is extremely important upon returning home.

Powers of Attorney (POA)

- All POAs should have expiration dates.
- Revocation of a Power of Attorney
 - Best obtaining the original and destroying it.
 - If unable to obtain the original Power of Attorney, you may want to provide your creditors, bank, or business institutions with a Power of Attorney Revocation.

Wills

- For persons with a Will, the document should be reviewed for continued validity.
- Important for those with children for appointment of a guardian!

Insurance

- Insurance should be evaluated for all coverage: residential, auto, and life. Driver's license and car tag(s).
- Make sure your SGLI is reviewed and property designated.

Important Legal Topics:

General Legal Assistance



Service Members Civil Relief Act (SCRA) gives you important benefits:

- *6% interest rate on loans incurred before military service*

- *Temporary stay of court proceedings*
 - If you have a court proceeding (other than a criminal case) and you cannot attend because of deployment or other military obligation, it can be delayed for at least **90 days** .
 - You must **write a letter** and your **CO must also write a letter** saying that your military obligation prevents you from attending.
 - You must **inform the court before the court date** though, otherwise you will have to reopen the case later, and it can be very difficult.
 - Legal proceedings deferred for military separation **must be addressed** when your delay ends.

General Considerations



- Consider whether you need a will?
- Powers of Attorney: GPOA are not accepted in most places. Consider making SPOAs **as needed!**
- Ensure your SGLI and Death Gratuity reflect your wishes and are coordinated with your will.
- Always update your documents when changes occur (e.g., marriage, divorce, new children, lottery, etc.)
- Understand Army Family Support Policy (AR 608-99)!

Important Legal Topics:

Mobile Phone ("Handy") issues in FRG



- If you take a cell phone downrange, you will have international roaming
- German Companies are not subject to SCRA!
 - Automatic Renewal Clauses
 - Early Termination Fees
 - Most to not have "deployment clauses"
 - Must understand contract before signing
 - Legal Assistance can help with translation
- Most U.S. companies will allow you to suspend your plan while deployed; not always the case with German providers
 - Make sure you have this in writing before you deploy

Contracts in Germany



- ✓ **German Law applies!**
- ✓ Service members Civil Relief Act Not Applicable to German Contracts.
- ✓ Generally: No “Cooling off” period; once you sign – you are bound! (written or oral).
- ✓ Contracts must be canceled in writing at a specific point prior to its end. **Generally, contracts do not automatically expire!** If you fail to cancel in writing then you are bound to another term! Keep the confirmation of the cancellation.



Contracts Continued ...



- ✓ Military termination clause or “early cancellation” does **NOT** automatically apply if you **deploy, PCS or ETS!** Need to ask service provider for this special provision for your protection.
- ✓ Some companies work with US collecting agencies.
- ✓ Come to the Law Center before signing any contract you don't **completely** understand (cell phone, land line, cable, automobile etc...)



Criminal and Civil Considerations



- **All** Service Members are subject to the UCMJ 24/7 in every geographic location.
 - While Family members are not subject to the UCMJ, they could lose their Command Sponsorship for a variety of bad behaviors.
- **Service Members and their Families are also subject to the Host Nations Laws!**
 - They may be prosecuted by a German Court – and, if applicable, go to German Jail.

Driving In Germany



- Good Samaritan Law
- Hidden cameras
- Ticket comes to CMR or to your Unit!
- If you agree to the ticket, pay it!!! If you don't, come see us within 14 days of receipt of the ticket.



Driving Continued ...



- Snow Tires and presumption of liability.
- Zero Tolerance for Drinking and Driving!
- Probable Cause not necessary for stop.
- **DO NOT RESIST ARREST!!!**
(This is not the US!)

Tax Assistance Program



- Vilseck & Graf Tax Offices open Feb – June each year!
Free Services!
- Combat zone income tax exemptions:
 - Enlisted: all base pay tax free while in combat zone;
 - Officers: base pay untaxed up to amount earned by the Sergeant Major of the Army.
- Extension for Deployment
 - No deadline for filing a tax return
 - If you owe taxes, extensions are as follows:
 - Automatic **180 day** extension from time return from combat zone
 - Also, **add on** every day deployed between January 1 and April 15 (the tax season)

Important Legal Topics:

"FRV" and Property Claims



FULL REPLACEMENT VALUE PROGRAM

- NOTICE OF LOSS OR DAMAGE AT DELIVERY AND AFTER DELIVERY
- DD FORM 1840/1840R
- VEHICLE INSPECTION AND SHIPPING FORM (VISF)
- The FRV allows you to fully recover if you . . .
- Remember to **"WRITE IT DOWN"**!

Notification Of Loss or Damage at Delivery and After Delivery

DOD DEFENSE PERSONAL PROPERTY PROGRAM NOTIFICATION OF LOSS OR DAMAGE AFTER DELIVERY (This is not a Claim)

INSTRUCTIONS TO THE CUSTOMER (OR THEIR DESIGNATED REPRESENTATIVE): You have up to 75 days to inspect your property, note all loss and damage not discovered and reported at the time of delivery and provide notice to the Transportation Service Provider (TSP). If notice is not timely sent, you may lose any potential recovery of your damages from either the Government or the TSP. Notice should be given electronically (on-line) to the TSP pursuant to instructions in Section A, below. However, if you are unable to file on-line you may give notice by using this document following the instructions in Section B, below. **NOTE: Notifying the TSP of your loss or damage is not the same thing as filing a claim.** For information on filing a claim against the TSP read Section C, below. If you have questions about this document, contact the TSP listed on the reverse of this document.

SECTION A -- NOTIFICATION ON-LINE

To notify the TSP of loss or damage noted after delivery, use the Department of Defense (DOD) Defense Personal Property System (DPS). Use of this system is the most efficient means to provide required notice. Any computer with internet capabilities may access this system at <https://eta.sddc.army.mil/portal/etaPortal.asp?app=DPS&bhcp=1>. Instructions for using the DPS will be provided at the web address. If you have problems accessing a computer, contact your immediate supervisor or local installation legal office for assistance. Remember, you must notify your TSP in DPS by midnight of the 75th day following delivery. If you have provided notice in DPS you DO NOT need to complete Section B, below.

SECTION B -- WRITTEN NOTIFICATION

The best way to provide notice of loss or damage to the TSP is through the DPS as noted above. However, if you are unable to provide notice on-line you may fill out this section and send it to the TSP noted on the reverse. This document must be mailed (postmarked) or faxed to the TSP by midnight of the 75th day following delivery. Keep a copy of this document and proof that it was sent to the TSP for your records. If more than one page is needed, please include your name, PPBOL No. and number of pages on each supplemental page used. **USE ONLY BALLPOINT PEN OR TYPEWRITER.**

NOTICE TO TSP: You are hereby notified the customer (or their designated representative) intends to present a claim for the loss and/or damage as noted on the NOTIFICATION OF LOSS AND/OR DAMAGE AT DELIVERY and this document. You are hereby extended the opportunity to inspect the property.

INV. NO.	ITEM	DESCRIPTION OF DAMAGE (If missing, so specify.) (Electronic items, provide brand & model number)

CUSTOMER (OR THEIR DESIGNATED REPRESENTATIVE) _____ PPBOL NO./ORDER NO. _____ DATE OF DELIVERY _____

SECTION C -- FILING A CLAIM AGAINST THE TSP

To submit a valid claim to the TSP who shipped your goods, log-on to the DOD DPS at <https://eta.sddc.army.mil/portal/etaPortal.asp?app=DPS&bhcp=1>. Instructions for using the DPS will be provided at the web address. You must file your claim in this system within 9 MONTHS of your property's DELIVERY or you will not receive "full replacement value" for eligible loss. You do not need to have repair estimates in order to enter your claim in DPS. If you choose not to file your claims in DPS, you may file a claim directly with your Service Claims Office; however, you will not be eligible for full replacement value and will be responsible for obtaining and providing all estimates of repair. Contact your local installation legal office for further information on filing with the Government.

Figure U.Q-4. Notice of Loss or Damage AFTER Delivery

IV-U.Q-36

Defense Transportation Regulation - Part IV
Personal Property

17 December 2008

DOD DEFENSE PERSONAL PROPERTY PROGRAM NOTIFICATION OF LOSS OR DAMAGE AT DELIVERY (This is not a Claim)

NAME OF OWNER _____ RANK/GRADE _____ WEIGHT OF SHIPMENT _____

PPBOL/ORDER NO. _____ SCAC CODE _____ PICK UP DATE _____ TSP REFERENCE NO. _____

GENERAL INSTRUCTIONS: The customer (or their designated representative) and the Transportation Service Provider (TSP's) delivery representative must jointly complete this document. You must list on this document all new damage and any missing items you notice before the TSP's representative leaves your home. If you find loss or damage at delivery, you must list it on this document.

If no loss and/or damage is discovered at the time of delivery, write "NONE" in the space provided; DO NOT for any reason, leave this document blank. If required, use multiple copies of this document.

NOTED LOSS AND OR DAMAGE

INV. NO.	ITEM	DESCRIPTION OF DAMAGE (If missing, so specify.) (Electronic items, provide brand & model number)

The purpose of this document is to provide the TSP notice of loss or damage discovered at the time of delivery. See the Notice of Loss or Damage AFTER Delivery document for instructions on how to file your claim on line. You must give the TSP notice of all loss or damage by submitting this document and the Notice of Loss or Damage AFTER Delivery document within 75 days of delivery. You will not be paid by either the TSP or the Government for any item not listed on these documents. Furthermore, you will not be paid for items listed on the Notice of Loss or Damage AFTER Delivery document unless it is dispatched to the TSP within 75 calendar days of delivery.

THIS IS NOTIFICATION OF LOSS OR DAMAGE AT DELIVERY: By signing below, I acknowledge receipt of one (1) copy of the Notification of Loss or Damage AT Delivery document. I understand that I have 75 days from delivery to identify and list further loss or damage not discovered at delivery on the Notification of Loss or Damage AFTER Delivery document. I understand I must mail, fax or dispatch electronically the Notice of Loss or Damage AFTER Delivery document to the TSP identified below within 75 days of delivery. I understand I will not be paid by either the TSP or the Government for any item not listed on these documents.

ACKNOWLEDGEMENT BY CUSTOMER OR THEIR DESIGNATED REPRESENTATIVE (complete as applicable and sign below)

Unpacking, Partial Unpacking and removal of packing material, boxes, cartons, and other debris was (check one)
Performed ___ Not Performed ___ Waived ___ TSP will return ___

Signature of the customer (or their designated representative) X _____

Received for delivery at: _____ Name/Address of Transportation Service Provider (TSP) _____

Street Address _____

City _____ State _____ Zip _____

Telephone Number _____

Telephone Number _____ Fax Number _____

Signature of the customer (or their designated representative) _____ Date _____

TSP Signature _____ Date _____

Figure U.Q-3. Notice of Loss or Damage AT Delivery

IV-U.Q-35

DD Form 1840/1840R

BEFORE USING - REVERSE CARBONS

NOTICE OF LOSS OR DAMAGE

INSTRUCTIONS TO MEMBER: You have up to 70 days to inspect your property and note all loss or damage. Should you find any loss or damage not reported on DD Form 1840 at the time of delivery, complete Section A below. Use only ballpoint pen or typewriter. THE COMPLETED FORM MUST BE DELIVERED TO YOUR LOCAL CLAIMS OFFICE NOT LATER THAN 70 DAYS FROM DATE OF DELIVERY. FAILURE TO DO SO MAY RESULT IN A REDUCTION OF THE AMOUNT PAYABLE ON YOUR CLAIM. Keep a copy of this form for your records, receipted and dated by the claims office. If more than one page is needed, please number the pages.

SECTION A (To be completed by member)

1. STATEMENT OF PROPERTY LOSS OR DAMAGE: You are hereby notified of the loss or damage to the following shipment of personal property.

a. Name of Member (Last, First, Middle Initial) [REDACTED]	b. PROBL/Claim Number JA-862,472	c. Date of Delivery 27 Jul 09
d. Origin of shipment (City and State/Country) Ft. Knox, Ky	e. Destination of shipment (City and State/Country) Vilseck, GM	

1. You are further notified that property owner intends to present a claim for this loss and/or damage. You are hereby extended and opportunity to inspect the property.

2. LIST OF PROPERTY LOSS/DAMAGE (NOTE: Tracer action is requested for items listed as missing)

a. Inv. No.	b. Name of Item	c. General Description of Loss or Damage (if missing, so indicate)
15	Frame for a pistol	frame (Wood) and glass broken
255	Entertainment Center	(Wood) chipped new base
227	Work bench	many parts to put it together @, 1 shelf broken
99	bathroom shelf unit	(Wood) 2 parts broken
208	Wicker chair	wicker in several areas is breaking/broken

Estimated value of damaged goods = € 650.⁰⁰

SECTION B (To be completed by claims office)
(NOTE: Mail original in homo office of carrier/contractor (add) in box 9 on DD-Form 1840)

3. TO: Home Office of Carrier/Contractor

a. Name and Address (Street Address, City, State, and Zip Code) AXIS International Inc. 378 Main Street, The Elms Suite G-01 East Greenwich, RI 02818	b. Date of Depositor 19 Sept 09
--	------------------------------------

4. YOUR REPRESENTATIVE MAY CONTACT THE CLAIMS OFFICE FOR ASSISTANCE

a. Name and Address of Claims Office TMAJMK Vilseck Lager Center - claims APO AE #112	b. Signature [Signature]	c. Date Signed 18 Sept 09
	d. Telephone Number 0462-85 2240	

Previous editions are obsolete. PAGE OF PAGES

JOINT STATEMENT OF LOSS OR DAMAGE AT DELIVERY

Privacy Act Statement

AUTHORITY: The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 31 U.S.C. 3721 et seq., 31 U.S.C. 3711 et seq., and EO 9397, November 1943 (SSN).

PRINCIPLE PURPOSE(S): The information requested is to be used in evaluating claims.

ROUTINE USE(S): The information requested is used in the settlement of claims for loss, damage or destruction of personal property and recovery from liable third parties.

DISCLOSURE: Voluntary; however, failure to supply the requested information or to execute the form may delay or otherwise hinder the payment of your claim.

GENERAL INSTRUCTIONS: The carrier's/contractor's representative will complete and sign DD Form 1840 and obtain the signature of the member or member's agent. The member or member's agent will not, under any circumstances, sign a blank or partially completed DD Form 1840. Three completed copies of DD Form 1840 and blank DD Forms 1840R will be provided the member or member's agent by the carrier's/contractor's representative for each shipment. If no loss or damage is involved, write "NONE" in description column.

SECTION A - GENERAL (To be completed by carrier/contractor)

1. NAME OF CARRIER (Last, First, Middle Initial) [REDACTED]	2. SOCIAL SECURITY NO. 000-00-0345	3. RANK OR GRADE [REDACTED]	4. NET WT OF SHIPMENT 8080
5. ORIGIN OF SHIPMENT (City and State/Country) FL-Knox, KY	6. DESTINATION OF SHIPMENT (City and State/Country) Vilseck, GY		
7. PROBL/CLAIM NUMBER JA-862,472	8. JOURNAL DATE 21. Mai 09	9. NAME AND ADDRESS OF CARRIER/CONTRACTOR AXIS INTERNATIONAL INC 378 Main Street, The Elms Suite G-01 East Greenwich, RI 02818	
10. CODE OF SERVICE 4	11. SCAC AXII	12. CARRIER/CONTR REF NO. WE-DD-E-1/127-09	

SECTION B - RECORD OF LOSS OR DAMAGE (To be completed jointly by member and carrier's/contractor's representative)

13. Notice is hereby given to the carrier/contractor to whom this statement is surrendered that the shipment was received in condition as shown below and the claim, if any, will be made for such loss or damage as indicated subject to further inspection and notification to the claims office within 70 days by DD Form 1840R found on the reverse side hereof. **THE VALUE INDICATED IN BLOCK 14c IS TO BE USED FOR QUALITY CONTROL ONLY.**

a. Inv. No.	b. Name of Item	c. Description of loss or damage (if missing, so indicate)
5		

SEALS INTACT AT DESTINATION: YES NO SIGNATURE:

<p>14. ACKNOWLEDGMENT BY MEMBER OR AGENT (X and complete as applicable and sign below)</p> <p>a. I received my property in apparently good condition except as indicated above. A continuation sheet</p> <p><input type="checkbox"/> was <input type="checkbox"/> was not used</p> <p>b. Unpacking and removal of packing material, boxes, cartons, and other debris</p> <p><input type="checkbox"/> to <input type="checkbox"/> is not waived</p> <p>c. I estimate the amount of my loss and/or damage at</p> <p>d. I have received three copies of this form. I understand that I have 70 days to list any further loss and/or damages on the back of this form and give this to the nearest claims office, and that the failure to do so may result in my being paid a smaller amount on a claim.</p>	<p>15. ACKNOWLEDGMENT BY CARRIER'S/CONTRACTOR'S REPRESENTATIVE (X and complete as applicable and sign below)</p> <p>a. Property was delivered in apparently good condition except as otherwise noted above</p> <p>b. I will initiate tracer action for missing items.</p> <p>c. Name of delivering carrier/agent/contractor</p> <p style="text-align: center;">Rospeg Weiden Postfach 2238 92637 Weiden / Germany</p> <p>d. Storage in transit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		
e. Telephone Number 01625367517	f. Date Signed 27. Jul 09	g. Signature [Signature]	h. Date Signed 27. Jul 09

Previous editions are obsolete. PAGE OF PAGES

Vehicle Inspection & Shipping Form (VISF)

AMERICAN AUTO LOGISTICS VEHICLE INSPECTION AND SHIPPING FORM - VISF																																																																																																																							
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STREET ADDRESS (PLEASE PRINT): Fort Sam Houston 1212 Stanley Road, Fort Sam Houston TX 78234																																																																																																																							
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Customer's Initials: H8 - Extremely light scratches or scuff marks caused from cleaning or buffing. Small sand or grit particles have left light scratches on paint. Hood / Roof / Tailgate / L Fender / LP Door / LR Door / L 1/4 Panel / R Fender / RF Door / RR Door / R 1/4 Panel / Rear Bumper / F Bumper																																																																																																																							
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QTY:</td> <td>RF Door Panel</td> <td>RF Door Handles</td> <td>RF Upholstery Front / Back</td> <td>RF Seat Levers</td> <td>RF Carpet</td> <td>RF Seat Belt Cover</td> <td>RF Window / Stripping</td> </tr> <tr> <td>LF Seat Levers</td> <td>Cargo Net</td> <td>Amplifier / Subwoofer - QTY:</td> <td>RF Door Panel</td> <td>RF Door Handles</td> <td>RF Upholstery Front / Back</td> <td>RF Seat Levers</td> <td>RF Carpet</td> <td>RF Seat Belt Cover</td> <td>RF Window / Stripping</td> </tr> <tr> <td>LF Carpet</td> <td>Cigarette Lighter</td> <td>Speakers Front Upper - QTY:</td> <td>RF Door Panel</td> <td>RF Door Handles</td> <td>RF Upholstery Front / Back</td> <td>RF Seat Levers</td> <td>RF Carpet</td> <td>RF Seat Belt Cover</td> <td>RF Window / Stripping</td> </tr> <tr> <td>LF Seat Belt / Cover</td> <td>Cup Holders</td> <td>Speakers Front Lower - QTY:</td> <td>RF Door Panel</td> <td>RF Door Handles</td> <td>RF Upholstery Front / Back</td> <td>RF Seat Levers</td> <td>RF Carpet</td> <td>RF Seat Belt Cover</td> <td>RF Window / Stripping</td> </tr> <tr> <td>LF Window / Stripping</td> <td>Door Cover</td> <td>Speakers Rear Upper - 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THE FACTORY ACT OF 1974 Authority: Title 23, USC, Section 1774, 1775 and Title 18, USC 2484
 Principal Purpose (to) Used as a shipping document for inspection and documentation to detect damage and pilferage during shipment of privately owned vehicles of military numbers, department, and Department of Defense employees. Routine then: (1) After receiving condition of vehicle before and after shipment. (2) Accumulating damage information for use in determining liability of carrier for damage filed by number and any third party responsibility. (3) As required by state services for replacement and condition of owner's statistical data. (4) Where applicable, used as a source document for completion of DD Form 1344, Transportation Control and Movement Document. (5) Serves as a receipt to the service member from the time the vehicle is turned in for shipment until it is returned to the owner. (6) Serves as a primary certified record of the condition of the vehicle at the time it is turned in for shipment and the time it is returned to the owner. When properly executed, it also reflects the condition of the vehicle at intermediate points where custody and/or responsibility and liability for loss or damage incurred in shipment. (7) Provides basis for filing responsibility and liability for loss or damage incurred in shipment. (8) Serves as an acknowledgment of understanding and acceptance by service member of terms under which the vehicle will be transported. (9) Critical authority to place vehicle in storage under specified terms and conditions. (10) Information as this form is returned to the contractor. Subsequent to the period date (DS) is attached automatically when the individual relinquishes a copy of the vehicle authorizing the shipment. (These items remain the individual's property.) If the DS is not available, verification of the individual's claim for reimbursement (if applicable), would take a considerably longer time to process, and errors of attribution would be likely to increase since proper names are rarely unique.

Conditions Governing Shipment

1. This only one (1) privately owned vehicle is being transported overseas under permanent change of station orders to the owner's official family or personal property, and that it is free of any legal encumbrances that would preclude its shipment and is well insured for transit. Owner must also obtain a second (set) set of keys.

2. That the vehicle contains no personal property in excess of that authorized in regulations of the Service concerned. Further unadvised that personal property shipped will only include those items that can fit in the container normally provided for vehicles both and accessories.

3. That failure of the owner to provide sufficient permanent type antifreeze to protect the cooling system to minus 20° F or lower if determined to be necessary by the shipping vehicle processing center relieve the Contractor/Department of any liability for damage due to freezing.

THIS CERTIFICATE constitutes authority for the party in receipt to be shown by the vehicle processing center, at the request of the owner and at the cost of the Contractor/Department, the vehicle health property of almost instant nature. (1) by the vehicle processing center in the event that shipment of privately owned vehicle is suspended or terminated because of a national emergency, and (2) by the vehicle processing center in the event that the automobile is not picked up by the owner or his agent within forty-five (45) days after dispatch of the notification of the event.

If not authorized that should the vehicle be placed in such status, the Contractor/Department, thereafter, would not be responsible for the release or return to the owner or agent.

Delivery Receipt

BY OWNER	EXCEPTION	VERIFICATION OR DISAGREEMENT WITH REASONS
		<i>check on inside of windshield</i>
		<i>can not see crack on outside, that is what we check hidden damage</i>

MISCELLANEOUS INFORMATION

Signature of Owner or Agent: *Clayton Davidson* Mileage Noted at Pickup: *1212* Date (MM/DD/YY): *1/27/10*

Signature of Verifying Contractor/US Government Representative: *John Unke* Name of VPC / Port: *LOS ANGELES*

Contact Legal Assistance, Claims, and Tax Assistance Offices:

- Main Post (Graf) Information
 - Location: Building 106
 - **Legal Assistance**: DSN 475-7114 **or** 0941-83-7114
 - **Claims**: DSN 475-8428 **or** 09641-83-8428
- Rose Barracks (Vilseck) Information
 - Location: Building 245
 - **Legal Assistance**: DSN 476-2289 **or** 09662083-2289
 - **Claims**: DSN 476-2240 **or** 09662-83-2240