

**OFFICE OF THE STAFF JUDGE ADVOCATE
48TH FIGHTER WING, RAF LAKENHEATH, UK
Building 1082, DSN 226-3553**



SERVICEMEMBERS CIVIL RELIEF ACT

The Servicemembers Civil Relief Act (SCRA) (50 USC 3901 *et seq.*, as amended), formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940, provides important safeguards to members on active duty status in the area of financial management, including rental agreements, security deposits, evictions, installment contracts, credit card interest rates, mortgages, civil judicial proceedings, income tax payments, etc. **These protections do NOT apply to U.K. civil proceedings.**

Protections

Credit Protection: Provides for the temporary suspension of judicial and administrative proceedings and transactions that may adversely affect the civil rights of servicemembers during their military service.

Stay of Proceedings: While on active duty or within 90 days of completing an active duty assignment, you may request a delay of an administrative or civil court proceeding if your military service materially affects your ability to participate in the proceeding. You must submit a letter from your commander stating that duty prevents you from appearing in court and that the mission prevents release to attend the proceedings. The stay lasts for a minimum of 90 days and additional delays may be requested.

Statute of Limitations: While on active duty, SCRA may toll the statute of limitations in some actions, with exceptions of torts and IRS collections.

6% Interest Rate: This may give you a 6% maximum interest rate on certain PRE-active duty debts if you follow strict statutory steps. Interest in excess of 6% is forgiven, not postponed.

Eviction Protection: A court may stay an eviction for three months if the ability to pay rent is materially affected by military service. Criminal sanctions may be imposed on a landlord for violating this section.

Terminating Residential Leases: You may be able to terminate a lease for your home that was entered into before being called to active duty, after receiving orders for a permanent change of duty station, when deploying with a military unit for 90 days or more, or when separating from the military. You may terminate a housing lease with 30 days' written notice.

Terminating Auto Leases: You may terminate an auto lease that was entered before being called to active duty for a period of 180 or more days, upon receiving orders for a permanent change of duty station outside the U.S. or from a duty station outside the U.S., or when deploying with a military unit for 180 days or more. You must provide written notice of termination to the lessee and return the vehicle within 15 days of the notice.

Default Judgments: If a default judgment is entered against a servicemember during his or her active duty service, or within 60 days thereafter, the SCRA allows the service member to reopen that default judgment and set it aside. In order to set aside a default judgment, the service member must show that he or she was prejudiced by not being able to appear in person, and that he or she has good and legal defenses to the claims against him/her. The servicemember must apply to the court for relief within 90 days of the termination or release from military service.

Car Leases: Motor vehicles fall within the umbrella of installment contract protections. If you entered into the lease pre-service, the lease may be terminated any time after entry. If entered into during service, the lease may be terminated if you PCS OCONUS (or CONUS from OCONUS) or deploy for more than 180 days. This applies to joint leases with a spouse.

Foreclosures: If, because of active duty military service, you breach the terms of the purchase contract for real property or an automobile, the property may not be foreclosed or repossessed without a court order.

Cell Phones: You may terminate cell phone contracts (individual or family plans) if relocated for more than 90 days, the new location does not support the contracted service, and the member provides written notice. Early termination fees are prohibited.

Health Insurance: If a health insurance policy is in effect before active duty and terminated while on active duty, then coverage is immediately reinstated as long as there is no Dept of VA determination of disability.

Taxes: Ask about SCRA state tax benefits, new rules for combat zones, hazardous duty pay, and the Earned Income Credit (EIC). If your family income has changed, consider adjusting your income tax withholding with a new W-2 or paying estimated income tax. Tax forms and a new W-2 calculator may be accessed at www.irs.gov. Military members may defer taxes for 180 days if their ability to pay is materially affected by military service and no interest accrues during deferment.

AF Legal Assistance Website

For more information about the topic above, as well as example letters asserting your rights under SCRA, go to <https://aflegalassistance.law.af.mil>, select “Legal Information” and then “Servicemembers Civil Relief Act (SCRA).”

Additionally, you can call or email us to schedule an appointment to meet with an attorney at the RAF Lakenheath legal office.

RAF Lakenheath Legal Assistance App

For a copy of this pamphlet, as well as other helpful pamphlets, please go to the 48 FW Phone App, click on “J.A.G.” at the bottom, and then click on “forms and documents.”

RAF Lakenheath Legal Office Hours

Legal Assistance/Wills (**By appointment only**)

Tuesday 0900-1100 and Thursday 1300-1500

Call **0163852-3553 (226-3553)** or email 48fw.ja@us.af.mil

Powers of Attorney/Notary Service (No appointment necessary).

Monday-Wednesday & Friday 0830 – 1530; Thursday 0930-1530