

AN AGENCY GUIDE TO THE SERVICEMEMBERS CIVIL RELIEF ACT

by Mark E. Sullivan

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INTRODUCTION

Congress amended the Soldiers' and Sailors' Civil Relief Act (SSCRA) in December 2003 to apply to all local, state or federal agency proceedings; previously civil courts had been the sole concern of the Act since its passage in 1940. The new statute is called the Servicemembers Civil Relief Act (SCRA). With this new focus and coverage, it is obvious that a quick training session is essential for administrative law judges, hearing officers and the attorneys who guide and advise agencies, boards, commissions and other administrative entities.

The Act is found at 50 U.S.C. App. § 501 *et seq.* Courts have generally construed the SSCRA liberally to protect those in uniform, and the same should be true with the SCRA. The U.S. Supreme Court has said that the statute should be read "with an eye friendly to those who dropped their affairs to answer their country's call." *Le Maître v. Leffers*, 333 U.S. 1, 6 (1948). This Guide highlights some of the issues related to the impact of military service on administrative hearings, financial obligations and other matters.

QUESTION AND ANSWERS

1. Who is covered under the SCRA?

Pursuant to 50 U.S.C. App. § 511, covered servicemembers include -

- >Members of the Army, Navy, Air Force, Marine Corps and Coast Guard on active duty under 10 U.S.C. § 101(d)(1);
- >Members of the National Guard who are called to active duty as authorized by the President or the Secretary of Defense for over 30 consecutive days under 32 U.S.C. 502(f) to respond to a national emergency declared by the President and supported by federal funds; and
- >Commissioned members of the Public Health Service and the National Oceanographic and Atmospheric Administration.

The protections cover, in addition to civil courts, all administrative agencies of the United States, of a state or within a state. 50 U.S.C. App. § 511(5). Does this mean the Pottstown, Nevada City Council? The North Carolina Department of Economic and Community Development? The federal Environmental Protection Agency? The answer is YES to all the above!

2. Can an agency render a decision against a SM?

Under 50 U.S.C. App. § 521, when the SM has not entered an appearance before the agency, administrative law judge, referee, hearing officer, board, commission or other entity (hereafter "agency"), a default decision may not be entered against him without appointing an attorney for him. A default decision, called a "default judgment" in the Act, is any decision or ruling which is adverse to the SM's interest. This might be a ruling

Servicemembers Legal Guide

Emily Duskow

A red circular graphic with a gradient, appearing as a partial circle or a stylized arrow pointing to the right, located to the right of the author's name.

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Servicemember's Legal Guide Jonathan P. Tomes, 1992 *The American Bar Association Legal Guide for Military Families* American Bar Association, 2013-05-28 The one and only legal guide for servicemembers and their families The American Bar Association Legal Guide for Military Families is the complete resource for servicemembers veterans and their families This guide will help all servicemembers clarify their legal issues understand the options and locate assistance Topics are presented in an easy to read format and every chapter includes a resources section with phone numbers websites and contacts to help servicemembers find answers and move forward Topics include Working with a Lawyer Family Law Debt and Finance Housing Landlord Tenant Issues and Real Estate Motor Vehicle Sales Finance and Repair Estate Planning and Insurance Health Care Law Employment and Re employment Discharge Disability Issues Veterans Benefits The American Bar

Association Legal Guide for Military Families is a supplement to the popular ABA Homefront website that provides state by state legal information for servicemembers Visit www.abahomefront.com **The Complete Guide to Preventing Foreclosure on Your Home** Martha Maeda, Maurcia DeLean Houck, 2010 This guide provides you with strategies for getting legal advice keeping current on your mortgage payments negotiating temporary delays in payments restructuring loans refinancing filing for bankruptcy and creating and sticking to a budget You will learn about debt counselling and income maintenance tax abatement and public assistance programs This book also provides details on the March 2010 modifications to the Home Affordable Modification Program HAMP and to the Federal Housing Administration FHA programs offered by the federal government to assist homeowners who have been affected by the economic crisis through no fault of their own In addition this book will show you how to decide if your property is worth saving how to figure out how much time you have to act how to use the courts to stop foreclosure how to decide whether bankruptcy is your best option and how to use your military status to prevent foreclosure You will also learn about foreclosure rescue scams non judicial foreclosure judicial foreclosure and notice of default Also included is an explanation of the alternatives to foreclosure such as special forbearance mortgage modification partial claim pre foreclosure and deed in lieu of foreclosure With foreclosures on the rise it makes sense to know how to protect your home The guide also provides you with tips tricks strategies and secrets to prevent your home s foreclosure now before it is too late **The Handbook of the International Law of Military Operations** Terry D. Gill, Dieter Fleck, 2015-12-10 The second edition of this well received handbook provides a comprehensive overview and annotated commentary of those areas of international law most relevant to the planning and conduct of military operations It covers a wide scope of military operations ranging from operations conducted under UN Security Council mandate to collective self defence and consensual and humanitarian operations and identifies the relevant legal bases and applicable legal regimes governing the application of force and treatment of persons during such operations It also devotes attention to the law governing the status of forces military use of the sea and airspace and questions of international criminal responsibility for breaches of international law New developments such as cyber warfare and controversial aspects of law in relation to contemporary operations such as targeted killing of specific individuals are discussed and analysed alongside recent developments in more traditional types of operations such as peacekeeping and naval operations The book is aimed at policy officials commanders and their military legal advisors who are involved with the planning and conduct of any type of military operation and is intended to complement national and international policy and legal guidelines and assist in identifying and applying the law to ensure legitimacy and contribute to mission accomplishment It likewise fulfils a need in pertinent international organizations such as the UN NATO Regional Organizations and NGOs It also serves as a comprehensive work of reference to academics and is suitable for courses at military staff colleges academies and universities which devote attention to one or more aspects of international law treated in the book This mix of intended users

is reflected in the contributors who include senior former policy officials and military legal advisors alongside academics engaged in teaching and research in these areas of international law *Military Justice Guide* United States. Department of the Air Force, 1959 Encyclopedia of Military Science G. Kurt Piehler, 2013-07-24 The Encyclopedia of Military Science provides a comprehensive ready reference on the organization traditions training purpose and functions of today's military Entries in this four volume work include coverage of the duties responsibilities and authority of military personnel and an understanding of strategies and tactics of the modern military and how they interface with political social legal economic and technological factors A large component is devoted to issues of leadership group dynamics motivation problem solving and decision making in the military context Finally this work also covers recent American military history since the end of the Cold War with a special emphasis on peacekeeping and peacemaking operations the First Persian Gulf War the events surrounding 9 11 and the wars in Afghanistan and Iraq and how the military has been changing in relation to these events Click here to read an article on The Daily Beast by Encyclopedia editor G Kurt Piehler Why Don't We Build Statues For Our War Heroes Anymore **Out's Gay & Lesbian Guide to the Web** J. Harrison Fitch, 1997 Gay and Lesbian Guide to the Web provides gay and lesbians with instant access to vast resources of gay and lesbian information on the Web Organized as both a directory and how to reference guide to the Web the book shows readers how to use online information for personal growth and political activism Written for people at all levels of computer skills Gay and Lesbian Resources Web Directory attempts to reflect the diversity of the gay and lesbian community by charting the entire spectrum of gay and lesbian interests as found on the Web Gargantuan directory of Web sites and gay and lesbian online resources that focuses exclusively on gay and lesbian interests Instant connections to information on gay and lesbian organizations AIDS research updates gay and lesbian businesses travel and leisure activities the arts health and medical resources domestic partnership issues raising children political activism coming out issues gay youth etc CD ROM includes Internet Explorer browser software hyperlinked HTML version of the entire book and valuable shareware and commercial demo software from online gay resources *Military Legal Bibliography* United States. Department of the Air Force, 1955 Nolo's Essential Guide to Child Custody and Support Emily Doskow, 2023-11-28 When you're getting divorced you can make a tough time easier for your children and yourself if you work with the other parent to draw up a custody plan and agree on child support Doskow shows you how negotiation and mediation can keep costs down where to find your state's child support guidelines how to enforce and change custody and support orders what military families need to know and much more

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