

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

Jonathan P. Tomes



Servicemembers Legal Guide:

Servicemember's Legal Guide Jonathan P. Tomes, 2005 A straightforward plain English guide to what members of all the services and their families need to know about the law while serving in the armed forces Expanded 5th edition contains new material on the laws of war for use by servicemembers deployed to combat Updated laws on military status military justice legal remedies plus loads of personal law marriage and divorce family home financial and property law and veterans legal matters AUTHOR Jonathan P Tomes is a former Army Judge Advocate General Corps lawyer and military judge He currently practices military law in Overland Park Kansas 9 illustrations **Servicemember's Legal Guide** Jonathan P. Tomes, 1996 For all servicemembers and their families this commonsense guide covers military status constitutional and civil rights discharges military and civilian justice family affairs financial matters and special concerns of reservists The Judge Advocate General's School Guide to the Servicemembers Civil Relief Act , 2007 **Every Landlord's Legal Guide** Marcia Stewart, Janet Portman, Ann O'Connell, 2024-08-27 The legal forms and state rules every landlord and property manager needs To keep up with the law and make money as a residential landlord you need a guide you can trust Every Landlord's Legal Guide From move in to move out here's help with legal financial and day to day issues You'll avoid hassles and headaches not to mention legal fees and lawsuits Use this top selling book to screen and choose tenants prepare leases and rental agreements avoid discrimination invasion of privacy personal injury and other lawsuits hire a property manager keep up with repairs and maintenance make security deposit deductions respond to broken leases learn how to terminate a tenancy for nonpayment of rent or other lease violations restrict tenants from renting their place on Airbnb and deal with bed bugs mold and lead hazards The 17th edition is completely updated to provide your state's current laws on security deposits rent entry termination late rent notices and more It also provides tips and guidance to help landlords navigate new state and local laws on screening tenants Attorneys Ann O'Connell a Nolo editor and real estate broker and Janet Portman Nolo's Executive Editor specialize in landlord tenant law Together they are also co authors of *Leases and Rental Agreements* and *Every Tenant's Legal Guide* *Guide to Personal Financial Planning for the Armed Forces* Colonel S. Jamie Gayton, Major Scott P. Handler, 2012-10-01 Complete information and advice on personal finances and important decisions tailored to members of the armed forces Legal Guide for Commanders United States. Department of the Army, 1981 *A Family's Guide to the Military For Dummies* Sheryl Garrett, Sue Hoppin, 2009-01-06 Expert advice on all aspects of military life A Family's Guide to the Military For Dummies is for the millions of military dependents family members and friends who are looking for straightforward guidance to take advantage of the benefits and overcome the challenges unique to life in the military This comprehensive guide covers such key topics as introducing military life to readers new to the armed forces financial planning relocation deployment raising kids alone while a partner is away and taking advantage of the available benefits It offers tips and advice for dealing with emotions that surround events like deployments deciphering the acronyms

used in daily military life forming support groups keeping track of a loved one's whereabouts and surviving on a military base in a foreign country **Routledge Revivals: Encyclopedia of American Civil Liberties (2006)** Paul

Finkelman, 2018-04-17 Originally published in 2006 the Encyclopedia of American Civil Liberties is a comprehensive 3 volume set covering a broad range of topics in the subject of civil liberties in America The book covers the topic from numerous different areas including freedom of speech press religion assembly and petition The Encyclopedia also addresses areas such as the Constitution the Bill of Rights slavery censorship crime and war The book's multidisciplinary approach will make it an ideal library reference resource for lawyers scholars and students Enlisted Soldier's Guide Thomas

Gills, 2017-04-01 Updated edition of the essential guide for enlisted soldiers in the U S Army This military reference guide completely revised for the current army is targeted at young men and women who have enlisted in the U S Army or are thinking about doing so The book is a must have resource for a successful career or tour as an American soldier and covers duties and responsibilities promotion and career opportunities real world issues customs and traditions uniforms and insignia pay and benefits physical fitness and personal and family matters **NCO Guide** CSM Dan Elder, USA (Ret.), 2015-07-15

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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

Unfriendly Fire Nathaniel Frank, 2025-06-25 When the don't ask don't tell policy emerged as a political compromise under Bill Clinton in 1993 it only ended up worsening the destructive gay ban that had been on the books since World War II Drawing on more than a decade of research and hundreds of interviews Nathaniel Frank exposes the military's policy toward gays and lesbians as damaging and demonstrates that don't ask don't tell must be replaced with an outright reversal of the

gay ban Frank is one of the nation's leading experts on gays in the military and in his evenhanded and always scrupulously documented chronicle he reveals how the ban on open gays and lesbians in the U S military has greatly increased discharges hampered recruitment and contrary to the rationale offered by proponents of the ban led to lower morale and cohesion within military ranks Frank does not shy away from tackling controversial issues and he presents indisputable evidence showing that gays already serve openly without causing problems and that the policy itself is weakening the military it was supposed to protect In addition to the moral pitfalls of the gay ban Frank shows the practical damage it has wrought Most recently the discharge of valuable Arabic translators who happen to be gay under the current policy has left U S forces ill equipped in the fight against terrorism Part history part expos and fully revealing Unfriendly Fire is poised to become the definitive story of don't ask don't tell This lively and compelling narrative is sure to make the blood boil of any American who cares about national security the right to speak the truth or just plain common sense and fairness Serving Those Who Served Sarah LeMire, Kristen J. Mulvihill, 2017-02-06 Practical advice on how best to serve veterans service members and their families in your community including effective ways to develop new outreach partnerships and collaborations Whether you work in a public library an academic library a school library or any other type of library you are likely to encounter members of the veteran and military communities This book is a starting point to help librarians library administrators and all library employees understand how veterans service members and their families can be different from other patrons recognize important elements of military and veteran culture and identify strategies for effectively serving the veteran and military communities In this book you find tips to help you determine the size and the needs of the veteran and military communities in your local area You'll learn about some common information requests and information seeking behavior of veterans and service members You'll discover how to take the needs and also the unique strengths of the veteran and military communities into account when developing library outreach efforts programs services and collections And you'll gain insights to help you harness the knowledge strengths and experiences of the veteran and military communities in order to help them fulfill their potential as an asset to the library and to the community 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

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Handbook of Psychosocial Interventions for Veterans and Service Members Nathan D. Ainspan, Craig J. Bryan, Walter Erich Penk, 2016-03-16 The United States is in the midst of the largest military demobilization in its history This is leading to an increase in the demand for mental health clinicians who can provide services to hundreds of thousands of military veterans and members of the military Nearly two million Americans have been deployed to the wars in the Middle East and thousands of them have been deeply affected either psychologically physically or both Projections suggest that 300 000 are returning with symptoms of PTSD or major Depression 320 000 have been exposed to probable Traumatic Brain Injuries and hundreds of thousands are dealing with psychological effects of physical injuries Other veterans and members of the military without injuries will seek treatment to help them with the psychological impact of serving in the military being deployed or transitioning and reintegrating back into the civilian world As an example hundreds of thousands of service members are also leaving the armed forces earlier than they anticipated and will need to quickly adjust to life as civilians after assuming that they would have many more years in the military Many will be leaving the military because of demobilizations and downsizing due to budget cuts Current proposed cuts will shrink the military force to the same size it was in 1940 The Pew Center reports that 44% of veterans from the current wars are describing their readjustment to civilian life as difficult and many of them are and will be turning to civilian mental health and primary care clinicians for assistance The Handbook of Psychosocial Interventions for Veterans and Service Members is a one stop handbook for non military clinicians working with service members veterans and their families It brings together experts from the Department of Defense the Department of Veterans Affairs veteran service organizations and academia to create the first comprehensive guidebook for civilian clinicians In addition to covering psychiatric disorders such as depression anxiety and PTSD this book also offers information about psychosocial topics that impact military personnel and their loved ones and can become part of treatment e g employment or education options financial matters and parenting concerns providing the most recent and cutting edge research on the topics Chapters are concise and practical delivering the key information necessary to orient clinicians to the special needs of veterans and their families The Handbook of Psychosocial Interventions for Veterans and Service Members is an essential resource for private practice mental health clinicians and primary care physicians as well as a useful adjunct for VA and DOD psychologists and staff

Clearinghouse Review ,2008

NCO Guide CSM Robert S. Rush USA (Ret.),2010 How to train lead and counsel troops effectively plus how to move along one s career as an NCO by continuing education training and professional development Information about all the regulations NCOs need to be aware of in carrying out their jobs References to Army publications are completely converted to the new numbering system Retired Command Sergeant Major Robert S Rush s guide for the U S Army noncommissioned officer is updated and revised for 2010 Updates in the ninth edition include a revised section on leadership

new information about continuing education and training available to NCOs and updated references to Army publications following the new system The guide is an excellent resource for an NCO covering training military justice promotions benefits counseling soldiers physical fitness regulations and other things every NCO needs to know Encyclopedia of American Civil Liberties Paul Finkelman,2021-02-25 Originally published in 2006 the Encyclopedia of American Civil Liberties is a comprehensive 3 volume set covering a broad range of topics in the subject of American Civil Liberties The book covers the topic from numerous different areas including freedom of speech press religion assembly and petition The Encyclopedia also addresses areas such as the Constitution the Bill of Rights slavery censorship crime and war The book s multidisciplinary approach will make it an ideal library reference resource for lawyers scholars and students The Survival Guide Michelle M. Benecke,1997

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