

Power of Attorney Pitfalls & Perils

How to avoid getting "fleeced..."



by CPT Carl Hill

AFN has ensured that every American in Europe knows the difference between a general power of attorney and a special power of attorney. I will spare you a painful reiteration of those definitions. Surely leaving a spouse or trusted loved one with a general power of attorney will prepare anyone to deploy, right? Think again.

Some people are procrastinators by nature. They wait until one day past the deadline to address any need. Many of these people see personal, legal, or financial needs as being fully addressed by a power of attorney. They will wait until a few hours before stepping on the airplane bound for the desert before they grant power of attorney. Others, through no fault of their own, are called to deploy on very short notice. They must scramble to make arrangements before departure. While it may be easier to grant one general power of attorney than to generate multiple special powers of attorney, AFN watchers will understand why that is ill-advised. That is how Hercules lost his golden fleece.

A power of attorney is about business, not romance. Do not confuse the two. For those unmarried warriors deploying to faraway battlefields and leaving a sweetheart behind, a power of attorney is not a testament of true love. If your special someone insists that you demonstrate your love by entrusting them with a power of attorney, then you would do well to remember Samson and Delilah. Delilah protested that Samson did not love her unless he entrusted her with the secret to his strength. A general power of attorney is something akin to scissors. Delilah chopped off Samson's hair and left him powerless and blinded. Samson should have kept quiet and hid the scissors. Likewise, Soldiers should resist the urge to leave a general power of attorney as a romantic gesture to a sweetheart. Reserve general powers of attorney for those you would literally trust with your life.

There is no duty for any given institution or agency to honor a power of attorney. With increasing regularity, banks and other financial institutions are refusing to accept a power of attorney, particularly a general power of attorney, for conducting transactions. This trend makes sense for financial institutions, since identity theft and fraud run rampant in our age of digital business transactions. While it may be inconvenient at times to prepare multiple special powers of attorney for separate financial institutions or governmental agencies, it also adds a layer of protection. If you foresee a need to use a power of attorney with any particular institution, you should (time permitting) visit that office in person with the person you intend to authorize as your representative. Explain your circumstances and your intentions. Ask if that institution will accept a power of attorney and let your representative act on your behalf. With a personal appearance before deployment, the chances are significantly better that your power of attorney will be accepted. Even if the answer is, "No," at least you will not be unpleasantly surprised while deployed.

Now that so many transactions can be accomplished on-line, the need for powers of attorney is not what it used to be. You should not give a power of attorney to anyone unless it is absolutely necessary. If you are able to handle all of your business transactions online, consider that as an option. Ask your S-6 if your place of deployment will support secure transactions. If reasonable online security is available, you may not have a need to give power of attorney.

As a last resort, your deployed legal office should be able to generate a power of attorney, but do not use this as an excuse to procrastinate. That will create an unnecessary delay for you and your agent, and an additional burden for your legal office downrange.

Powers of attorney are prepared on a walk-in basis at the Kaiserslautern Legal Services Center's Legal Assistance Office. No appointment is necessary. Opening hours are Monday thru Friday, 0900 to 1200 and 1300 to 1600. We are closed Thursday mornings for training. Call DSN 483-8848 or Civilian 0631-411-8848 for more information on powers of attorney and other legal assistance services.