

## **SERVICEMEMBERS CIVIL RELIEF ACT — PROTECTING THOSE WHO DEFEND AMERICA**

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The Servicemembers Civil Relief Act (SCRA) was passed in an effort to alleviate certain legal burdens on service members when they are ordered to active duty. It expands upon the protections formerly afforded service members under the Soldiers' and Sailors' Civil Relief Act. The SCRA, among other things, allows service members the right to terminate housing leases when ordered to active duty for 90-days or more. The SCRA also limits interest on credit obligations incurred before military service and allows for a delay of most civil court actions when service members are unable to appear in court due to active duty service. These are only a few of the civil protections the SCRA provides to service members serving on active duty.



To assist those seeking to verify a service member's duty status, the Defense Manpower Data Center (DMDC), an agency of the U.S. Department of Defense, provides a website at <https://www.dmdc.osd.mil/appj/scra/scraHome.do> where the user must enter, at a minimum, a last name with either a month and birth year or a Social Security Number. The more information provided in the search (e.g., middle name and birth date), the better the accuracy of the search. This site will assist those seeking to confirm a service member's duty status, thus allowing service members to benefit from the SCRA.

For health care professionals and legal personnel, section 703 of the SCRA states that professional liability insurance for health care and legal services and "other services determined by the Secretary of Defense to be professional services" is suspended during an order to active duty under certain authorities.

The U.S. Army Office of Legal Policy is working an action requesting that the Secretary of Defense designate additional professions that can take advantage of the favorable treatment with regards to professional liability insurance which health care professionals and legal personnel now receive under section 703. <http://veterans.house.gov/documents/scra.pdf>.

Upon proper and timely notice to the insurance provider of release from active duty, the coverage must be reinstated under the previous terms (subject to any general increase in premiums charged by the insurance provider for persons covered by such insurance during the period of suspension). Hopefully, the favorable treatment provided health care professionals and legal personnel will be expanded to include other professions.

The Department of Justice, in partnership with other federal agencies, is committed to enforcing federal laws that protect the civil rights of service members. In addition to the SCRA, those laws include the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Uniformed and Overseas Citizen Absentee Voting Act of 1986 (UOCAVA).

***For more information on how the Department of Justice and other federal agencies can help you, and what service members themselves can do to protect their rights under federal law, visit the Kaiserslautern Legal Services Center's Legal Assistance Office.***