



KAISERSLAUTERN LEGAL INFORMER

MV COURAGE CATCHES FIRE

by Mark Christensen

As if PCS season isn't stressful enough, members of our community who are rotating back to the U.S. this summer may find out their shipped vehicle or household goods were on a container ship that caught fire on June 2 while crossing the North Sea. The fire was apparently contained to the hold and was extinguished by a carbon dioxide fire suppression system. The 52,000 ton ship MV Courage was carrying 461 vehicles and 204 shipments of household goods for U.S. personnel. The ship returned to its port of origin, Bremerhaven, where the damage is being assessed before the cargo is loaded on another ship. The new ship is scheduled to leave Bremerhaven for the U.S. on July 5 or 6.

Until more information is released, little is known about the extent of damage to vehicles or household goods on the MV Courage. PCSing military and civilian employees should retain all records concerning shipped property, including photographs, receipts, inventories, and orders. When a vehicle or household goods are delivered, the owner should carefully inspect the items to identify any loss or damage and immediately report it to the carrier. Vehicle owners should conduct a detailed inspection and document not just visible damage to the vehicle, but less obvious damage such as smoke or water damage. Household goods shipments also may have suffered smoke or water damage, and owners should carefully document all damage for an appropriate claim.

The shipboard fire may result in delivery delays for some vehicle and household good shipments. Owners may be eligible to make a claim for the inconvenience of the delay. Civilian employees must claim inconvenience expenses directly against the carrier. Military members can claim vehicle rental of \$30 per day for up to seven days (\$210) on their travel settlement form if the vehicle is not delivered by the required delivery date (RDD), and directly with the carrier after the seventh day. Both military and civilian owners can make arrangements with the carrier for direct rental car billing.

An inconvenience claim for delayed household goods shipments is for the cost of purchasing or renting essential items and for other living expenses incurred as a direct result of the failure to make delivery on time. Expenses should be documented by receipts or sworn statements, and the claim must be made directly against the carrier, as the U.S. Government cannot pay inconvenience claims.

Those whose POV or household goods were on the MV Courage should be prepared to inspect and document the delivery of property in order to file a claim if necessary. Legal Assistance personnel can assist you in filing an inconvenience claim with the carrier for delayed vehicles or household goods.

IN THIS ISSUE...

- Frankfurt IRS Office Closes
- 2015 Tax Program Saves Millions
- Who Pays the Realtor?
- Autobahn Tolls
- How to Get "Untitled"
- Civilian Misconduct
- Disaster Claims
- Reservist Reemployment Rights
- And much more!



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IRS Attaché Office in Frankfurt Closes

A tax attorney assesses the impact on taxpayers overseas...

by Steve Smith

There was a time when the Internal Revenue Service had a network of offices in U.S. Embassies and Consulates all over the world. Those days are over. As part of draconian cost-cutting measures taken in response to sequestration (what the IRS Commissioner has called “doing less with less”), the IRS decided to close all four of its remaining overseas offices, in London, Paris, Beijing, and Frankfurt. When Tom Stevens, the IRS Attaché at the Frankfurt Consulate, retired in June, he was not replaced. Before he left, he helped his staff find other jobs and turned out the lights. For thousands of Americans living in Germany who have no connection with the military, getting free tax help just got a lot harder.



For years, the IRS Attaché office in Frankfurt (which was previously located in Bonn and later Berlin) handled a wide variety of tax matters, from responding to requests from foreign tax authorities for information under existing bilateral tax treaties, to negotiating new tax treaties, to compliance (*i.e.*, going after those who have not paid their fair share of taxes). The loss of this capability could be good or bad, depending on your point of view. Most Americans overseas knew nothing about these activities, unless they were on the receiving end of them, but thousands of American expatriates relied heavily upon the Taxpayer Service Specialists who worked at the Consulate to answer tax questions, provide advice on foreign tax issues, and prepare simple federal income tax returns. This was particularly true for retirees on fixed incomes.

The good news is that military retirees can still utilize the free tax assistance services of the Army tax assistance centers located in Europe. The 21st Theater Sustainment Command operated nine such centers during the 2015 tax season, including three in the Kaiserslautern Military Community. They generated a lot of compliance (see the results on page 3). The bad news is that the Army’s free tax assistance program is also under siege, and is heavily dependent upon funding from Installation Management Command (IMCOM) to hire civilian tax preparers who can handle the more complicated returns our tax centers generate. If that funding does not come through again for 2016, our ability to offer the kinds of tax services our customers have become accustomed to (see story on page 5) will be severely compromised. With the closure of the IRS office in Frankfurt, retirees may have nowhere else to go for help, unless they are wealthy enough to pay a high-priced CPA or commercial tax preparer to do their taxes for them. It’s not a pretty picture for those on fixed incomes. This underscores the importance of finding a way to keep the Army’s full-service tax assistance program going. There are simply no acceptable or affordable alternatives when it comes to tax preparation assistance.

Where else can Americans overseas turn for free tax advice? The IRS’s Office in Philadelphia answers questions on international tax matters (but does not prepare returns). That office is open Monday through Friday from 0600 to 2300 hours EST, and can be reached by telephone at 001-267-941-1000. [This number is not toll-free.] You can also fax questions to them at 001-267-941-1055. Their mailing address is: Internal Revenue Service, Philadelphia, PA 19255-0725. For the time being, the IRS Attaché offices in London and Paris are still open, although the London office is scheduled to close on September 15th. You can reach the office in London by calling 0044-207-894-0477. You can reach the office in Paris by calling 0033-1-43-12-25-55. Both offices will likely refer you to the Philadelphia office for assistance.

Social Security Report Form

If you are one of the thousands of American retirees living in Germany who are receiving Social Security benefits, you may have recently received a form in the mail from the Social Security Administration that has caused you some anxiety. The form is entitled "Report to the United States Social Security Administration" and bears form number "SSA-7162-OCR-SM (7-2011) in the lower left-hand corner.

No worries. This form is routinely mailed out by the Social Security Administration every two years for a variety of reasons, one of which is to make sure that the person receiving benefits is still alive.

The form asks you to verify your address and provide a phone number where you can be reached, and to answer three "yes or no" questions:

- ⇒ Has there been a change in your citizenship or your country of residence that you have not reported to SSA?
- ⇒ Have you married or had a divorce or annulment since you last reported your marital status to SSA?
- ⇒ Did you work for someone else or were you self-employed (*i.e.*, did you own a business or farm) since your last report of work to SSA?

If you answer "yes" to any of those questions, there are some additional questions you must answer on the back of the form. Then you must sign and date the form (a witness is only required if you sign with a mark instead of a signature) and return it to the Social Security Administration office in Wilkes Barre, PA, within 60 days.

Failure to meet this deadline will not result in an automatic cessation of your benefits; a warning notice will be sent before that happens.

For more information about this reporting requirement, contact the Federal Benefits Unit at the American Consulate in Frankfurt by dialing Civilian 069-90-555-1100 or e-mailing fbu.frankfurt@ssa.gov.

Foreign Bank Account Report (FBAR) Reminder

If you had over \$10,000 in a foreign bank account (or accounts, in the aggregate) at any time during 2014, you must file a FBAR for 2014 with the Department of the Treasury by June 30, 2015. This must be done online using FinCEN Form 114 (the old paper FBAR form is obsolete). On-post credit unions and the Community Bank are not considered foreign banks for FBAR purposes, but Postbank and Sparkasse accounts are. There are criminal penalties for not filing a FBAR. If you should have been filing FBARs in the past and failed to, you should make an appointment to see a tax attorney.



KAISERSLAUTERN LEGAL SERVICES CENTER

**Building 3210
Kleber Kaserne**

Legal Assistance 483-8848

Tax Assistance 483-8848

Claims 483-8855/8856

International Affairs 483-8854

Trial Defense Service 483-8397

[Civilian: 0631-411-XXXX]

Administrative Law 484-8043

Criminal Law 484-7419

[Civilian: 0631-413-XXXX]

21st TSC 2015 Tax Assistance Program Results:

**Federal & State Income
Tax Returns Prepared:**

7,548

Tax Refunds Generated:

\$14,683,206

Savings to Taxpayers:

\$1,925,206

**THANKS FOR USING
OUR SERVICE!**

Who Pays the Realtor?

A German attorney explains the new rules on who pays finder's fees...

by Holger Blug

You just arrived in Germany and you need to find a place to live. Searching for a home to rent can be very stressful. It requires some luck and patience, and can also be quite costly. Besides the rent that you will have to pay, the landlord will require you to pay a security deposit (*"Kaution"*), and, last but not least, the realtor (*"Immobilienmakler"*) may charge you a finder's fee (*"Maklergebühr"*).

According to German brokerage law, a realtor is entitled to a finder's fee if he either negotiates a rental contract or initiates the opportunity to enter into such a contract. This means that merely advertising and showing the house could trigger the requirement to pay a finder's fee. And even though it is usually the landlord who hires a realtor to find him a tenant, in the past it was standard practice for the tenant to be charged the finder's fee. Sometimes realtors even managed to charge finder's fees to both the tenant and the landlord.

All this changed on June 1, 2015, when significant reforms to the German law governing realtors' finder's fees, designed to better protect tenants, took effect. Applying the so-called customer principle (*"Bestellerprinzip"*), under which the one who places an order must pay the bill, now only the person who hired the realtor must pay the finder's fee. Hence, the realtor can no longer charge both parties a finder's fee. Since it is usually the landlord who hires the realtor to find him a tenant, the landlord will normally be the one who has to pay the finder's fee from now on.

According to the new rules, the tenant does not have to pay a finder's fee unless he retained the realtor's services to find him a house or an apartment. Only if the realtor is solely and exclusively working for the tenant, starting the search for a house or an apartment after he received a request to do so from the tenant, can he charge the tenant a finder's fee. An independent request by the tenant is necessary.

That means the tenant can no longer be forced to pay the landlord's finder's fee. Once the realtor begins advertising a house or apartment on a website or in the papers, there is obviously no doubt that he was hired by the landlord, and the tenant cannot be charged anymore. If the realtor illegally tries to charge the tenant a finder's fee, the realtor can even be slapped with a fine. Any agreement between the tenant and the realtor or the tenant and the landlord stipulating that the tenant will have to bear the finder's fee is void.

In addition, it is now illegal to charge the tenant with "hidden fees." The landlord is not allowed to charge a higher rent in order to get back what he spent on the finder's fee, nor is he allowed to sell overpriced fixtures or furniture to the tenant. Moreover, the realtor is not allowed to charge an administrative fee or an extra fee to make sure the previous tenant vacates the apartment in time.



[continued on page 5...]

Who Pays the Realtor? (continued)

Another change under the new law that was designed to protect tenants is the formal requirement for brokerage contracts. In the past it was possible to conclude the contract orally or by implied consent. Now, the contract has to be in text form. Text form does not require a signature, but it must be in writing and it must be clear that both parties wanted to conclude a legally binding contract. If these requirements are not met, the contract is void and the realtor is not entitled to charge a finder's fee, even though he may have already provided his services.

If a tenant is improperly charged a finder's fee in violation of these new rules, the realtor is now required to reimburse the fee. Since these changes to German rental law do not apply retroactively, they have no effect on brokerage contracts concluded before June 1, 2015, even if the lease was signed after that date.

These new rules only apply when you rent a place to live, and are not applicable when you are buying a house or apartment.

As you can see, German rental law is a tricky area that is constantly changing. It constitutes a major portion of the practice of the German Legal Assistance Attorneys who work for the U.S. Army, especially in communities like Kaiserslautern, where there is high demand for housing and limited on-post options. If you are new to Germany and are unfamiliar with German rental law practices, help is available.

For an appointment to consult with a German Legal Assistance Attorney, call the Kaiserslautern Legal Assistance Office at DSN 483-8848 or Civilian 0631-411-8848.

Parting Thoughts from a Tax Preparer

Mark Dent (right) played a major role in the dramatic expansion of our tax assistance program within the Kaiserslautern Military Community over the last three years. Mark joined our tax team on Kleber Kaserne in 2013. He helped create the Pulaski Tax Assistance Center in 2014, and returned to work there during the 2015 tax season. Thousands of satisfied taxpayers beat a path to his door.



A former Army Judge Advocate who ran the Fort Drum tax assistance program while he was on active duty, and a tax attorney for many years thereafter in the private sector, Mark is a good example of the kind of talent our tax program attracts. He was a true believer in that program. He particularly enjoyed working with the Special Duty Soldiers who play such an important role in ensuring that our tax assistance centers run smoothly. Mark shared the following observations on the 2015 tax season that ended on June 15th:

“We are successful because the Special Duty Soldiers know they are not alone; if they have a question they ask the veterans who have been there and have seen these issues time and time again. It is this synergy that has allowed us to provide superior service and make sure taxes are prepared correctly. Your taxes are not prepared by one, but by all. As one of the tax preparers, I want you to know we had another fantastic season this year. Our tax centers prepared over 7,500 returns, returning over \$14.6 million to the community. I sit back and can only be amazed by the outstanding staff we had. Albert Einstein stated, ‘The income tax is the most difficult thing in the world to understand,’ yet our Soldiers became experts on not just federal taxes but the taxes of over 40 states. They learned how to set up an office, deal with clients, and address all the international and military-related tax issues that arose. I tip my hat to all the Soldiers who devoted their time and energy to making this tax season a success. Thank you. You are awesome.”

We wish Mark all the best as he returns to his native Ohio, and thank him for his service to our taxpayers.

New German Autobahn Toll Planned

A German attorney explains why most Americans won't have to pay it...

by Joerg Modellmog

The bad news is that, effective January 1, 2016, Germany plans to switch to a toll (“*Maut*”) for ordinary vehicles using German Autobahns.* The good news is that the toll won’t affect you as long as you are stationed in Germany and use your own POV.



The German Parliament in Berlin recently passed a highly controversial Infrastructure Tax Act (“*Infrastrukturabgabengesetz*,” or “*InfrAG*”) that will lead to charging a toll for use of the German Autobahns. The German President signed the Act in early June but the EU Commission is considering initiating infringement proceedings against Germany for discriminating against foreign drivers and thus against EU law, which could lead to a court-ordered suspension of the Act (Art. 279 TFEU). And, finally, the Austrian government has declared that it might sue Germany over the new Autobahn toll in the European Court of Justice.

The Act is controversial within Germany itself, where it is seen as a Bavarian attempt “to get even” with its neighbors that charge road tolls. The Bavarian party made the passing of the Act a condition for their participation in and support of the German Federal government. While the majority of Germany’s neighboring countries, all bordering northern Germany, do not have a road toll yet, those who live in the southern states of Germany are well-acquainted with the requirement to buy a “*Vignette*” to use the highways in Austria or Switzerland, or pay tolls on the “*Autoroutes*” in France or the Autobahn in the Czech Republic.

In order to appease German drivers and voters, the vehicle tax on German cars is to be reduced by the amount charged for the Autobahn toll, so German drivers won’t have to spend any more than they presently do. Only foreign drivers will feel the financial impact of the German Autobahn toll.

Regardless of the outcome of all of this, most Americans in the military communities in Germany will not be affected if the Autobahn toll takes effect. While Art. X, para. 2 c), of the NATO SOFA only exempts GOVs from any taxes relating to the use of roads, Art. 63, para. 2, of the German Supplementary Agreement and Protocol of Signature Re Art. 63, para. 2, SA, provide the same rights for POVs. The German legislature created corresponding exemptions in § 2, para. 1, No. 2 a), *InfrAG* for GOVs (official duty use) and in § 2, para. 1, No. 2 b), *InfrAG* for POVs. Note that the exemption for POVs applies to owned vehicles, not rental cars, and only if you are stationed in Germany under the SOFA as a member of the military or civilian component of the Force. If you fit that description, you will continue to be able to experience the joy of driving (“*Fahrvergnügen*”) without incurring the cost of the new Autobahn toll.

For more information on this subject, make an appointment to see a German Legal Assistance Attorney by calling the Kaiserslautern Legal Services Center Legal Assistance Office at DSN 483-8848 or Civilian 0631-411-8848.

* The German Federal Minister of Transport and Digital Infrastructure, Alexander Dobrindt, announced in mid-June that he will voluntarily suspend the enforcement of the Act until there have been further discussions with the EU Commission regarding its concerns.

How to Get "Untitled"

by **CPT Matt Montazzoli**

The Legal Assistance Office frequently receives inquiries about getting "untitled." Army criminal investigative organizations (Military Police and the Criminal Investigation Division, known as "CID") place the names and identifying information of the subjects of investigations in the "title blocks" of their investigative reports. A subject is "titled" as soon as an investigator develops credible information that that person committed a criminal offense. Credible information is a very low standard – any information that convinces a trained criminal investigator, considering the source of the information and the surrounding circumstances, that the information is true constitutes credible information. Titling can occur very early in an investigation and a person remains titled regardless of the outcome of the investigation; in fact, a person will remain titled even if subsequent investigation reveals that the crime never even occurred.

Titling information is entered into the Defense Clearance and Investigations Index (DCII), as well as, in many cases, the FBI's National Crime Information Center (NCIC) database. This process is called "indexing," and it results in a "hit" if somebody performs a background check on that person. DCII and NCIC information is used for security clearances and for assignments to positions of trust including recruiters, drill sergeants, SARCs, and instructors. NCIC checks are also commonly used for civilian employment decisions. On occasion, individuals are not even aware they were titled until they are denied an assignment or a job. If you find yourself in this situation, a Legal Assistance Attorney can help you prepare a Privacy Act Request to obtain the relevant reports and also assist you with attempting to get "untitled."

Titling information will only be removed from DCII in the case of mistaken identity or mistaken information. Mistaken identity means that the wrong person's information was input into the title block of the report. Mistaken information means that, at the time the person was titled, there was not credible information that the person committed the offense. It is important to understand that it does not matter if the person was later found innocent of the offense – to get "untitled" the person must prove that, *at the moment of titling*, the criminal investigator who titled them did not have credible information. A person who seeks to become "untitled" in this way should meet with a Legal Assistance Attorney, who will help that person draft a request to the U.S. Army Crime Records Center (CRC). If the CRC denies the request, a Legal Assistance Attorney can help Soldiers or former Soldiers apply to the Army Board for the Correction of Military Records to remove the titling information.

For more information on titling and how to get "untitled," make an appointment to see a Legal Assistance Attorney by calling the Kaiserslautern Legal Services Center's Legal Assistance Office at DSN 483-8848 or Civilian 0631-411-8848.

We're On the Web!

Current and back editions of this newsletter and articles we've published on legal assistance topics are posted on the 21st TSC OSJA website at: <http://www.eur.army.mil/21TSC/sja/LegalAssist/LegalAssistance.asp>

Claims articles, information papers, brochures, and related information is posted at:
<http://www.eur.army.mil/21TSC/SJA/Claims/Claims.asp>

The "KLI" is also posted on JAGCNet and shared with legal assistance and claims practitioners Army-wide.

The Civilian Misconduct Action Authority (CMAA) Program – An Overview

by Rick Anderson & MAJ Brad Gwillim

Living in Germany can be an exciting opportunity; however, we must be mindful that we are subject to special international agreements, including the NATO Status of Forces Agreement or “SOFA.” This agreement governs the relationship between Germany and the U.S. military on matters of criminal jurisdiction, passport and visa regulations, taxes, claims, drivers’ licenses, airport regulations, and other civil and legal matters.



U.S. Civilian employees and U.S. Family Members accused of criminal offenses are subject to exclusive German criminal jurisdiction. German courts have jurisdiction over all parties in civil actions, regardless of nationality or military status. Another way to address incidents of misconduct is through the administrative jurisdiction of the Civilian Misconduct Action Authority program.

What is the Civilian Misconduct Action Authority (CMAA) Program?

The Civilian Misconduct Action Authority program is mandated by Army in Europe Regulation (AER) 27-9, Legal Services, Misconduct by Civilians. It establishes policy and procedures for responding to misconduct by individuals (excluding active duty military) who receive Individual Logistic Support (ILS) from the various U.S. military commands and entities in Europe. The program addresses civilian misconduct through administrative and adverse administrative actions to deter, rehabilitate, or remove offenders. It accomplishes this in a manner that effectively balances the welfare of the military community with the offender’s rights of due process and the readiness of our Soldiers, Civilians, and Family Members. The United States Army Garrison Rheinland-Pfalz (USAG RP) CMAA program coverage extends to all Army-affiliated U.S. Civilians receiving ILS in the USAG RP footprint regardless of their command sponsorship status. If criminal prosecution is warranted, jurisdiction over Civilians rests with host nation authorities.

What is Individual Logistic Support (ILS)?

The Commanding General, U.S. Army Europe and 7th Army (CG, USAREUR/7A), authorizes ILS for Civilians (Family Members and employees) who accompany the U.S. Forces. ILS includes, but is not limited to, Government-provided or supported housing, the use of commissaries, AAFES Exchange facilities, and Family Morale, Welfare and Recreation (FMWR) services. This support is conditional on the Civilians’ good behavior. When Civilians break host-nation laws or violate regulations and/or policies, the CG, USAREUR/7A, may revoke or permanently suspend this support. The authority to revoke or suspend this support is delegated to CMAAs in accordance with AER 27-9.

[continued on page 9...]

The CMAA Program (continued)

What is misconduct?

Misconduct is defined as conduct or behavior by affiliated persons that violates or is inconsistent with host nation laws, the United States Code, or the rules, regulations, and other directives of military authorities. Also included is disorderly conduct, conduct prejudicial to good order and discipline or accomplishment of the mission, truancy, or conduct contrary to directions of persons exercising the police authority of a commander.

What are some examples of misconduct?

Misconduct includes, but is not limited to, shoplifting, larceny, assault, damage to property, drunk and disorderly conduct, unauthorized use or possession of a controlled substance, driving while intoxicated, vehicle and traffic violations, child neglect, spousal abuse, truancy, and misuse of ration cards or postal privileges.

What sanctions may be imposed?

Available sanctions include, but are not limited to, counseling, letters of warning, suspension or revocation of logistic support privileges (AAFES Exchange, commissary, FMWR activities, check cashing, government quarters, ration privileges, etc.), suspension of privately owned vehicle driving privileges, bars to entry of military installations and facilities, early return of dependent Family Members, and curtailment of the sponsor's tour.

As a sponsor, what can I do to prevent incidents of civilian misconduct?

- ⇒ Make sure that all your Family Members have positive ways to spend their time.
- ⇒ Work with other community members on solving common problems.
- ⇒ Report crimes or suspicious activities to law enforcement immediately, and encourage your Family Members to do the same.
- ⇒ Teach Family Members to settle arguments without violence in school and the community.
- ⇒ Get involved; help make our communities safe and secure places to live!

This article is not intended as a definitive guide to Civilian and Family Member misconduct, but as a primer on the topic. Family Members and U.S. Civilian employees may receive confidential advice and assistance on legal matters by visiting their servicing legal assistance office.

For an appointment to consult with a Legal Assistance Attorney, call the Kaiserslautern Legal Assistance Office at DSN 483-8848 or Civilian 0631-411-8848.

OSJA Conducts Disaster Claims Exercise

A Claims Judge Advocate discusses the importance of readiness...

by CPT Tulsi Rogers

Whether it results from fire, floods, high winds, hail, or some other natural or man-made disaster, an emergency situation affecting the lives and property of those around us could strike at any time. Training to make sure we are ready to respond to the next real-world disaster and pay legitimate claims benefits the military community and helps us maintain the critically-needed support of our host nation.

To ensure we are ready for the next crisis, whatever its source, the 21st TSC Office of the Staff Judge Advocate conducted a disaster claims exercise in April. The exercise scenario trained our personnel on how to respond to a major off-post disaster having consequences for both U.S. Forces personnel and our host nation neighbors. The exercise scenario involved a U.S. Air Force cargo plane that crashed into a residential neighborhood just outside Ramstein Air Base, damaging homes and causing other property damage and personal injuries.

When disaster strikes, it will involve “all hands on deck” for the 21st TSC legal team of judge advocates, military paralegals, and civilian attorneys and claims examiners. After several hours of classroom instruction on claims fundamentals, our “go team” deployed to a motor pool to set up claims intake stations, with our paralegals impersonating victims, and our Judge Advocates doing claims “triage” under the supervision of experienced civilian claims practitioners. Those who participated in the exercise will be better prepared to help make claimants whole again when the next real-world disaster hits. As our cover story demonstrates, disaster can strike at any time.



Kaiserslautern Claims Examiner Martina Berndt arrived at the exercise with her arm in a sling, impersonating an injured local national. She and fellow Claims Examiner Karin Jordan, along with the author, provided guidance to Judge Advocates who conducted claims intake during the exercise. Military paralegals played the role of claimants.

Reservist Reemployment Rights ***How federal law protects those who "come to the colors..."***

by 1LT Lauren Teel

If you are a mobilized Reservist who was employed before entering active duty, your right to return to your job is protected by federal law. The Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §§ 4301-4335, provides protections for activated Reservists and National Guard in a Title 10 status (*i.e.*, called up by the President), and National Guard in a Title 32 Status (*i.e.*, called up by the Governor of their state for training that benefits the federal mission).

It is important to note that USERRA requires that service members provide advance written or oral notice to their employers for all military duties unless giving notice is impossible, unreasonable, or precluded by military necessity. An employee should provide notice as early as possible. Although oral notice is allowed, it is best to put such notice in writing and retain a copy for your records.

If the service member complies with the notice requirements, an employer must promptly reemploy the returning service member. "Promptly" usually means within days, not months, of his or her return. Generally, the reemployment position should be the same one that the person would have attained had he or she remained continuously employed during the period of military service.

Among its other protections, USERRA prohibits discrimination and reprisal against any person in federal employment (initial employment, reemployment, retention, promotion, or receiving any employment benefit) because of that person's military membership, application for membership, performance of, application for, or obligation for military service.

Service members who are also federal employees are required to take military leave only for those days that they are required to work instead of calendar days, a change from prior policy. The Department of Defense will process claims for improper application of military leave dating back to October 1, 1980. These are known as "Butterbaugh claims."

USERRA also provides significant protection for disabled veterans. The law requires employers to make reasonable efforts to accommodate the disability. Also, some service members convalescing from certain injuries received during service or training may have an extended time period (not to exceed two years) from the date of completion of service to return to their jobs or apply for reemployment.

You can seek enforcement of your USERRA rights through the Department of Labor Veterans' Employment and Training Service (VETS). The Department of Labor website lists local VETS offices at <http://www.dol.gov/vets/aboutvets/contacts/main.htm>. These offices can provide assistance if you are experiencing problems with an employer or if you simply have questions. Additional information is also available at <https://osc.gov/Pages/USERRA.aspx>.

For further information, contact the Kaiserslautern Legal Services Center's Legal Assistance Office at DSN 483-8848 or Civilian 0631-411-8848.





“Let them eat cake” — The staff of the Kaiserslautern Legal Services Center celebrated the United States Army’s 240th birthday in mid-June, with SPC Anthony Kapelka and MAJ Brad Gwillim doing the honors.

Directions to Kleber Kaserne: From Vogelweh, Ramstein, or Landstuhl take the A6 direction Mannheim. On your right you will see a large store called Möbel Martin. Make sure you are in the right lane as you take the Kaiserslautern Ost Ausfahrt (exit). Turn right as you leave the exit ramp and drive downhill until you reach a stop light. Proceed straight ahead at the intersection and follow the priority road as it curves to the right behind the Real store. Enter Kleber Kaserne by the east gate. Turn right after passing the clinic. Drive north until you reach an intersection with 4 stop signs. Bldg. 3210 sits to the left of that intersection. Parking on Kleber Kaserne is difficult—allow a few extra minutes to circulate until you find an open spot. Enter Bldg. 3210 from the door on the east end of the building (see photo of Bldg. 3210 on page 3).

