

THE ROCK TIMES

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SOCIAL SECURITY DISABILITY BENEFITS FOR WOUNDED AND INJURED SOLDIERS

CPT Bryan Bird

Wounded Warriors, Soldiers in a Warrior Transition Unit, and Veterans with disabilities may be entitled to disability benefits through the Department of Defense and the Veterans Administration. In addition, these individuals may also be entitled to disability benefits through the Social Security Administration (SSA). The SSA's process of determining whether an individual is entitled to disability benefits is entirely separate from the Department of Defense and the Veterans Administration, and requires a separate application. You may apply for disability benefits at any time while in military status or after discharge whether you are still hospitalized, in a rehabilitation program, or undergoing out-patient treatment in a military or civilian medical facility.



You may apply at www.socialsecurity.gov/woundedwarriors, in person at the nearest Social Security office, by mail, or by calling 1-800-772-1213. In addition, individuals living abroad can visit <http://www.ssa.gov/foreign/foreign.htm> for the contact information for the Federal Benefits Unit located in many American Embassies and Consulates.

Beyond the application process, soldiers, particularly those in Warrior Transition Units, should know that active duty status and receipt of military pay does not, in itself, necessarily prevent payment of Social Security disability benefits. Receipt of military payments should never stop you from applying for disability benefits with the SSA. If you are receiving treatment at a military medical facility and

working in a designated therapy program or on limited duty, the SSA will evaluate your work activity to determine your eligibility for benefits. In addition, military service members can receive expedited processing of disability claims from the SSA. Contact the SSA and they can determine whether you qualify for expedited processing.

As a final note, while the information above is tailored for service members and Veterans, individuals holding valid U.S. citizenship or permanent residence status should know that they may also apply for many United States Federal Government programs, including Social Security Disability, even when living abroad. These rules are sometimes complex and vary by each country, and those individuals are usually best served by reaching out to one of the Embassy or Consular Federal Benefits Units found on the list at <http://www.ssa.gov/foreign/foreign.htm>.

IMPORTANT TELEPHONE NUMBERS:

- *Legal Assistance* 485-6505
- *Claims Office* 485-6507
- *International Law* 485-6286
- *Trial Defense Service* 485-6483
- *Administrative Law* 485-6311

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"BAUMHOLDER LAW CENTER"**



FILING CLAIMS AND DP3 CLAIMS ONLINE

Since 2009, Soldiers have been able to file claim online through the Personnel Claims Army Information Management System (PCLAIMS). PCLAIMS can be accessed from the Judge Advocate General's Corps internet site at www.jagcnet.army.mil. The US Army Claims Service link needs to be clicked and then the PCLAIMS link. The PCLAIMS link will describe the rules for filing personnel claims only and allow filling out required forms. An Army Knowledge Online (AKO) account is needed to use

PCLAIMS.

Notice Procedure For DP3 shipments: Any notice of lost and/or damaged items resulting from DP3 shipments must be given directly to the Transportation Service Provider (TSP) via internet, email, fax or mail within 75 calendar days from the date of delivery. For assistance with the notification, contact the Claims Office.

Claims for these shipments can be filed directly with the TSP within 9 months of delivery or with the Government within 2

years of delivery. The Statute of Limitations for filing claims under AR 27-20 is two years from the date of the incident.

Don't have Internet access? The Defense Personal Property System's Interactive Voice Response (IVR) system will provide you with access to your shipment information 1-800-605-7177 or 1-800-326-2137

For technical DPS systems issues contact the help desk toll free at 1-800-462-2176.

**Compiled based on information from DOD sources.*

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POV CLAIMS

Vandalism claims must be reported to the Military Police office immediately and before attempting to file your claim.

Vandalism claims will be reported to the claims office and be analyzed to determine if it is a payable claim under Army Regulation AR 27-20

MEDICAL MALPRACTICE

As a field office we are unable to adjudicate these kinds of cases, however, we can and will assist you in filing the necessary paperwork and then forward it to the appropriate office. All Medical Malpractice claims must be filed by appointment only and not during walk-in hours.

BAUMHOLDER CLAIMS OFFICE
DSN: 485-6507

Are you and your spouse having marital problems?

Baumholder's Military & Family Life Counselor is available to assist you.

Call

0049(0)15202129834

0049(0)1734385611



PROTECT YOUR ID CARD

Losing your ID card can reduce the security of your military community and make you vulnerable to scams and identity theft.

Here are six tips for keeping your ID cards safe:

- Keep the card on your person when you are out of the house. Never leave it in your car.
- Keep the card in a wallet or a special ID pouch on a lanyard that goes around your neck. Don't just stick it in your pocket.
- Make it a habit to always put your wallet or ID card in the same place when you are in the office or at home so you know where it is

when it is time to leave.

- Never surrender your ID card to anyone except law enforcement or base security personnel. Never give it

to club or gym personnel as a security.

- Always check all pockets before throwing clothes into a dirty washing basket. You may be surprised at what

might turn up -- even a missing ID card.

- In an office setting, remove you ID card from your computer and take it with you whenever you step away, even if it is just to go to the restroom



or to talk to a colleague down the hall.

If you find an ID card, turn it in to the nearest military police station as soon as possible. ID card holders must report the loss of an ID card to the MPs to get a new one. The report involves filling out some forms and making a statement at the MP station. With this paperwork you can go to the ID card section for your new card. The cardholder must then go to their local Installation Access Control System section to register the new card. This process can take many hours and some garrisons also make you go to mandatory classes on the value of ID cards if you lose one.

**This article is adapted from an article that appeared in a 2010 edition of the Baumholder Bugle.*

ADVICE FROM OUR GERMAN ATTORNEY: DON'T TEXT/TALK ON THE PHONE AND DRIVE!

Mr. Christian Geier

Nowadays cellular phones are widespread and common. Everybody is used to being able to get a hold of someone else at almost any time.

While this might certainly be convenient for some and a nuisance for others, there is one thing you should avoid: The temptation of picking up that phone while driving on Germany's roads, whether it is to place or answer a call!

You may use the phone for making and receiving calls, while there is a proper hands-free device in use, but you must not hold or touch your phone while driving. If

your "hands free device" requires you to physically touch the phone, it does not qualify as "hands free" for the purpose of using it while driving.

Every use of the phone, even for other purposes such as, but not lim-

stopping at a traffic light.

Using the phone while driving is against the law and considered to be a civil infraction and the fine for it is 60.00 EUR, which is almost \$ 80.00 at the current exchange rate.

Even worse, if you get into an accident while and/or because of using a phone, your insurance may partially or fully deny coverage for gross negligence. German courts have repeatedly held that using a cell phone while driving constitutes gross negligence.

Even if all of the above isn't enough to keep your hands away from that phone, consider this: Using a phone while driving is distracting and dangerous and may cost you much more than a fine or your car. You could seriously hurt or kill yourself or someone else and no phone call in the world is that important.



ited to, a navigation device, mp3 player or radio, is prohibited if it requires you to hold or touch the phone. This applies as long as the car is not parked, even when the car is not moving, for example when

BAUMHOLDER LAW CENTER'S PAINTBALL FAREWELL SALUTE AND AWARDS CERMONY



Right: Baumholder Law Center OIC MAJ Dan Kicza and NCOIC SSG Andrew Hillberry recognize the Tax Center staff.

Left: Baumholder Law Center OIC MAJ Dan Kicza recognizes PCSing Judge Advocates CPT Wes Gorman and CPT Emily Haigh, and Paralegal SPC Jaliscea Brinson



SALE OF USAREUR-REGISTERED VEHICLE TO NON-ID CARD HOLDER

Mrs. Pamela Cater

If you plan to sell your vehicle to a non-ID card holder, a different procedure should be followed. First of all, you should sign a bill of sale with the buyer. It should include the name and signature of the buyer. Take the bill of sale, along with the vehicle registration to the Baumholder MP Customs office, co-located with vehicle registration. The Customs office will prepare an AE Form 550-175B for you to take to the German Custom's Office (Zollamt).

Make sure that the bill of sale contains language such as "as is" or "no liability for potential defects", otherwise, under German law, you could be liable for defects that may surface later for up to two years. When in doubt about how to exclude liability, please feel free to come and see the legal assistance office and their attorneys for help.

You should take your bill of sale, vehicle registration, AE Form 550-175B, ID card and vehicle to the Zollamt, located in Idar-Oberstein. You must pay them an export tax of 10 to 22 percent, depending on the type of vehicle. This amount is then added to the sales price of the vehicle. Another 19 percent sales tax is then assessed on the entire amount. There could

potentially be \$226 tax on the sale of a \$500 truck. So it would probably be wise to either adjust the sales price accordingly, or note on the bill of sale that the buyer will pay the tax.

Once you have paid the tax, the Zollamt will stamp your paperwork and give it back to you. Take all of the paperwork and documents back to the MP Customs office with the vehicle tags. The car will then be de-registered.

Things to think about in this process are making sure you get the tags off of the vehicle. You must have them to de-register the vehicle. You cannot move the vehicle after you remove the tags. Also think about when to request payment for the vehicle.

One possible scenario is to deliver the vehicle to the non-ID card holder and accept payment. Remove the tags, sign the bill of sale with the buyer. Then process the customs paperwork and deregister the vehicle. Then deliver copies of everything to the buyer along with the German title book or US title. Remember that if the non-ID card buyer drives the vehicle before you de-register it, they are driving on your insurance. This is also a problem because non-ID card holders are not permitted to drive USAREUR-plated vehicles .

Tips for Smooth Car Sales

If you are selling your vehicle to another Soldier, or civilian within the military community, there are a few tips you can follow to make things go smoother.

1. Have the buyer sign a bill of sale with you that states that the vehicle is sold "as is". Otherwise, you could be responsible for repairs under German law. Under German law, the seller will be liable for any defects within the first two years, if he can buyer that the defect existed at the time of sale.
2. Do not give the keys to the buyer or let him or her use your vehicle until both of you have gone to Vehicle Registration and officially transferred the vehicle into the new owner's name.
3. Insist that the buyer pay you for the vehicle in cash prior to the transfer at the vehicle registration office. Do not agree to take installment payments.



THANK YOU!

Editorial Assistance for this edition of *The Rock Times* was provided by **Mr. Greg Roller and SPC Jon Gillespie.**

CERTIFIED COPIES OF MILITARY ID CARDS

The legal assistance office is often asked to make a certified copy of a military ID card. You should be aware that photocopying of a US Government identification card is a violation of Title 18, US Code Part I, Chapter 33, Section 701 and is punishable by both fine and imprisonment. If a business is requesting that you provide them with a certified copy of a military ID card, our office can verify that you do have a valid ID card and can

**Defending Those Who Defend America™**

Trial Defense Service (TDS) represents Soldiers involving criminal matters. Soldiers facing punishment under Article 15, UCMJ, separation, or Courts-Martial must report to the TDS office on Wednesdays and Fridays only and be signed in before 0915 hours for a briefing. Soldiers facing possible UCMJ or who are under investigation may seek assistance from the TDS office during any duty day (Closed Thursdays) before 1600 hours. All TDS hours are subject to change without notice. The Baumholder TDS office number is DSN: 485-6483.

PATERNITY AND THE ARMY*1LT Sarah Paulsworth*

We have had a number of clients come in recently to inquire about issues related to paternity. Paternity is governed by state law, so the first step to making sense of your paternity questions is to determine which state's laws apply to your situation. This is typically the state where the child was born. If the child was born here in Germany and/or has other

ties to this country [such as one of the parents being a local national] Germany may also have jurisdiction.

In most U.S. states the father of a child born out of wedlock can acknowledge paternity through a sworn statement [some states use pre-made forms] or a court can order the probable father to undergo genetic testing and then issue a court order on paternity, as well as visitation and child support based on the results of the testing.

Tricare does not cover the cost of a paternity test, so here in Germany you need to go out on the economy to get a paternity test done. The Patient Liaison in the Baumholder Health Center can provide Soldiers information on local healthcare providers that perform paternity tests. A Soldier can on his own initiative get a paternity

test if he would like to resolve a paternity inquiry. However, keep in mind that if you later want to establish legal paternity through the court, most states will not accept your paternity test because it was not ordered by the court and was not performed by the state-appointed laboratory. This will mean paying for the first test and paying a sample collection fee



to a German laboratory for the second test, as well.

Regarding dependent support, according to AR 608-99, the suspected (putative) father of a child does not have any support obligations to the child unless the child is considered a "family member" under the regulation. This means that there must be a court order establishing paternity, "or the functional equivalent." Some states allow a father to acknowledge paternity at the hospital or later on official state forms. In some states, this is considered legal paternity and does not make a child a family member under the regulation. If a child is enrolled in DEERS under the father's account, the father will be obligated to provide support under the regulation. If paternity is determined, the Soldier must provide the support

IAW AR 608-99 unless there is a court order, in which case the Soldier must adhere to the court order.

Soldiers may be asked to voluntarily sign a DA 5459, which authorizes the release of personal information from their Army records to reply to inquiries on dependent non-support and paternity.

Once paternity is determined, the Soldier may apply for the child to receive an ID card and to be enrolled in DEERS. In addition, the Soldier may be eligible to receive BAH-With or BAH-Diff.

Women who suspect that a Soldier is the father of their child can obtain support for that child from the Soldier only if he officially acknowledges paternity or paternity is declared in a court order. This type of court order can be obtained through your state's Child Support Enforcement Agency office or through the German child agency ["Jugendamt"] if Germany has jurisdiction. To litigate a paternity case in USA or Germany while living abroad you will have to hire a civilian attorney unless the case is accepted by the Jugendamt, local child support agency or the local prosecutor's office. All state child support agencies will establish paternity at no cost for mothers living in that state. So often, establishment of paternity must wait until the child returns to the United States with the mother.

BAUMHOLDER LAW CENTER'S EPIC NORMANDY TRIP

In May, the Baumholder Law Center took an epic 4-day trip to the shores of Normandy to mark the 70th anniversary of D-Day. Staff members visited Juno, Omaha and Utah beaches, the Longues Sur Mer battery, Normandy American Cemetery and the Airborne Museum in Sainte-Mere Eglise.

Maximize your Tax Refund with TSP Contributions

CPT Brian Tomasovic

It's never too early for smart tax planning. Most Soldiers are already aware that military service comes with special tax benefits. Many of these benefits are automatic and require little, if any, forward planning. For example, nontaxable combat pay or BAH pay should not show up as income in "Box 1" of the W-2, Wage and Tax Statement. Because of this, they simply should not factor in calculating the taxes that a Soldier may owe.

However, with the opportunity to invest in the Thrift Savings Plan (TSP), the federal government's sponsored retirement savings and investment plan, Soldiers can take proactive steps to minimize their taxes and maximize their short and long-term financial readiness.

Today, we'll talk about a real tax strategy that Soldiers can use by making TSP contributions. Private sector workers that can contribute to a "401(k)" plan, a civilian equivalent to TSP, may also obtain these tax advantages.

FACT: TSP contributions are "before tax" contributions. Contributions made with basic pay will reduce your reported wages and your overall tax bill.

A "before tax" dollar contributed to TSP cannot be taxed now. The contribution and investment earnings on that contribution will not be taxed until this money is withdrawn at retirement. While it can be wise to invest toward retirement, you can also plan your TSP contributions that you qualify for and maximize your current-day tax credits. By doing this, you leverage one benefit (deferral of taxable earnings) into another benefit—a credit against your tax bill or even a credit that you can receive if you owe no

taxes. Let's discuss two credits, the Retirement Savings Contributions Credit (also known as the "Saver's Credit" and the Earned Income Credit (EIC). There are income limits and credit tables for both of these credits that could change for future tax years, but for illustration purposes I will use tax year 2014 numbers.

FACT: If your adjusted gross income is low enough, the government will reward your TSP contributions with a "Saver's Credit."

If you fall within the income limits, you can receive and maximize the Saver's credit by contributing at least \$2,000 to TSP during the tax year. However, if your adjusted gross income is more than \$29,500 (or \$59,000 if married filing jointly) you will not qualify for this credit at all.

Example: Joe Taxpayer is an unmarried E-4 with four years TIS. Looking at a pay chart, we could guess he would have adjusted gross income of

around \$30,000 that should disqualify him for the Saver's Credit. However, Joe planned ahead and has given over \$2,000 to TSP, and his taxable income was thereby reduced and is now less than \$28,000. This bit of planning would reward Joe with a credit against his tax bill of \$200 (10% of the contribution). If, on the other hand, Joe were married and the sole provider for his family, his saver's credit would "max out" at \$1000 (50% of the contribution). Putting aside the potential future returns on his TSP investment, his immediate tax advantages could be viewed as being equivalent to an additional 10 to 20 percent return on investment.

FACT: TSP contributions will lower your earned income, which could help you qualify for the earned income credit. If you will qualify for

the EIC, you can increase the size of the credit (and your refund) by contributing even more money to TSP.

The earned income credit is a complicated credit, but it is designed as a form of readymade government support for lower income families. With a Soldier's salary, it can be very difficult to qualify for this credit unless you are the parent of an IRS-defined "qualifying child." If you have even one qualifying child, the EIC can potentially give you a large tax refund. As a tax strategy, you can make this refund even larger with TSP contributions.

Example: 2LT Juliet Filer is married with one qualifying child. Filer and her stay at home spouse only have taxable military pay and wages of \$35,000. At this point, Filer can estimate she will receive a refundable earned income credit of about \$1,300 (per calculation on Form 1040, 1040A or 1040EZ). Now let's say Filer reduced her taxable military pay and wages by giving \$5,000 to TSP during the course of the year. With this maneuver, Filer's estimated EIC actually increases to \$2,100. Adding to this, her saver's credit would be \$1,000. Filer's strategic contributions to TSP reduced her family's tax bill by \$1,800 (\$1,000 Saver's Credit plus an \$800 increase in EIC) and should greatly increase her refund. These tax advantages from TSP contributions could be seen as an immediate 36% return on the TSP investment.

Taking the examples of Joe Taxpayer and Juliet Filer, we see that with a little planning an ordinary Soldier can leverage use of the retirement savings plan into a big bottom line benefit on next year's tax bill. If you are not currently funding your TSP, you may be missing out a smart investment opportunity. Remember to take advantage of your local legal assistance office and your local Tax Assistance Center.



Where is the Baumholder Law Center located?

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Smith Barracks
Baumholder, Germany

Geographic Coordinates:

49.621123, 7.313161

