

# Welcome to USAG Bavaria Legal Briefing

Office of the Staff Judge Advocate

# Legal Assistance Office

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- **Building 216**
- **Hours: 0900 – 1600**
  - Wednesday: Walk-in legal assistance only, no appts
  - Thursday: Not open until 1300
  - Friday: Closes at 1500

## 1. Walk-Ins

- **Powers of Attorney**
- **Notaries**

## 2. Attorneys

- **Legal Assistance Issues**
- **German Matters**
- **Special Victims Counsel**

## 3. Claims Office

# Powers of Attorney

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- General POA or Special?
- Ask the 3<sup>rd</sup> Party before getting a POA :
  - Do they accept POAs?
  - If so, what kind?
- Should have Expiration Date
- Revocation of a Power of Attorney
  - Obtain the original and destroy it
  - Notify creditors, bank, or business institutions by sending a Power of Attorney Revocation



# Mission of Legal Assistance

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## Services

Legal Counseling

Draft

Legal Documents

Legal Correspondence

Legal Research

Conduct Negotiations

Estate Planning

Tax Planning

Military Administrative  
Proceedings

*Cannot* file documents at court

## Cases

Family Law

Estate Planning

Real Property

Personal Property

Economic

Immigration/Naturalization

Military Administrative

Torts

Taxes

Civilian Criminal

# Special Victim Counsel

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- **Who:** Special Victim Counsel (SVC) are lawyers who have received special training and are designated by The Judge Advocate General to serve as a SVC.
- **Purpose:** SVCs zealously represent the best interests of their clients as appropriate even when their client's interest do not align with those of the government of the United States.
- **Duty:** A SVC's primary duty is to his/her client and no other person, organization or entity.

# Claims

## ➤ Household Goods/Unaccompanied Baggage

### > Damaged/Lost/Stolen During PCS

#### ❖ DPS system (TSP processor)

- 30 days to offer settlement of claims under \$1000
- 60 days for claims over \$1000
- Can accept/reject/counter
  - No settlement = transferred to Military Claims Office (MCO)

### > Damaged/Lost/Stolen After PCS

#### ❖ PCLAIMS+

## ➤ POVs

> VPC Settlement on-site (or report within 48 hours)

> No settlement within 90 days -> PCLAIMS+

# Claims



## ➤ In-Office (MCO)

### > Tort Claims

- ❖ Against US government
- ❖ Negligent act or omission by government personnel causing injury/damage to private property.
- ❖ *Within scope of duty*

### > Article 139 UCMJ Claims

- ❖ Against another SM
- ❖ Wrongfully taken or willfully damaged by another SM.
  - ❖ Must process before criminal UCMJ action completed.
- ❖ *Outside scope of duty*

### > Questions about the HHG/POV claims or DPS/PClaims+ systems

# Legal Highlights

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- **Service Members Civil Relief Act (SCRA)**
- **Immigration**
- **Estate Planning (Wills)**
- **German Contracts**
- **Common Legal Issues in Germany**



# Service Members Civil Relief Act (SCRA)

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- **Applicability:**
  - Applies to issues that arose within the States
  - Does not apply to issues arising in Germany
- **Protections:**
  - 6% interest rate on loans incurred before military service
  - Temporary stay of Civil Court proceedings
    - Letters from Soldier and CO to the court
    - Stay automatic for 90 days, longer upon request
  - Re-open Default Judgments
  - Must show meritorious defense
  - Up to 60 days after ETS or Retirement
  - Other provisions for cellphones, leases, mortgage foreclosures, taxes, and evictions
- **If you think an individual is violating your SCRA rights, come see legal!**

# Immigration

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- **Immigration Services:**

- Immigration Visa
  - Start at least one year before PCS
  - About \$1,000 per immigrant
- Naturalization
- Parole in place
- Other

- **Additional Concerns:**

- Come speak to legal prior to marrying a non-U.S. citizen
- Immigration law is extremely nuanced – don't act without speaking to an attorney

# Who needs a will?

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- **Single no Kids:**
  - Without a will your property goes to your Parents or is split between your Parents and Siblings
- **Married no Kids:**
  - See Legal, may be split between spouse and parents
- **Soldiers (single or married) with children:**
  - Need will
  - Spouse should have one, too

# German Contracts

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- If you take a cell phone downrange, you will have international roaming charges
- German Companies are not subject to US Laws!
  - Automatic Renewal Clauses
  - Early Termination Fees
  - No “deployment clauses”
  - Understand contract before signing
  - Legal Assistance can review before you commit!
- German companies usually do not suspend the plan for deployment
  - If your provider says it does, GET IT IN WRITING

# Common Legal Issues In Germany

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- **Illegal Downloading**
  - Can cost you ~ €1000 PER DOWNLOAD
- **Riding the Train Without a Ticket**
  - Download the DB Navigator app and look for regional offers to save money
- **Prostitution**
  - Violates the UCMJ
- **DUIs**
  - (see next slide)

# Common Legal Issues in Germany

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- **DRIVING UNDER THE INFLUENCE**
- **BAC limit in the U.S. is:**
  - **.08**
- **BAC limit in Germany is:**
  - **.05**
- **BAC limit in Czech Republic is:**
  - **.00**

# Common Legal Issues in Germany

- You can receive a DUI:
  - Driving a car
  - Riding an e-scooter
  - Riding a bicycle
  - Passing out in the street and obstructing traffic



# Common Legal Issues in Germany

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- **Other DUI Concerns:**
  - **German beer**
    - **Strength: Augstiner, Paulaner, and Hofbräu all above 6%**
    - **Size: 1 liter = 34 ounces**
  - **Late-morning DUIs**
  - **Polizei ARE allowed to breathalyze you & draw your blood**
    - **Part of your agreement for USAREUR License**
  - **Lack of ride-sharing services**



# Common Legal Issues in Germany


[politics](#)
[The Biden Presidency](#)
[Facts First](#)
[US Elections](#)
[Audio](#)

## US troops in Germany banned from alcohol after scooter incidents



By [Barbara Starr](#), CNN Pentagon Correspondent  
Updated 1949 GMT (0349 HKT) July 14, 2022



### MORE FROM CNN



Look of the Week  
boots were mad



Analysis: If Chen  
primary, Trump's  
will...



Advertisement

(CNN) — A US Army brigade in Germany has been confined to its base during evenings and temporarily banned from consuming alcohol, a spokesman for the Army said Thursday, after five

# Contact

## *Legal Assistance, SVC and Claims Offices:*

- 7th ATC web-page
  - <https://www.7atc.army.mil/SJA/>
- Rose Barracks LAO & Claims
  - Location: Building 245
  - DSN 599-7717 **or** 09641-70-599-7717
- Tower Barracks (Graf) LAO & Claims
  - Location: Building 216
  - DSN 569-0538 **or** 09641-70-569-0538
- Special Victim Counsel (SVC)
  - Location: Building 106 (Tower Barracks)
  - DSN 569-2866 or 09641-70-569-2866





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# Trial Defense Service

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**We defend you.**

**“Defending those who defend America”**

- **Duty:**
  - We are here to help you, as best we can, through a UCMJ action.  
We do not belong to any command here in Europe.
- **Where:**
  - BLDG 245, Rose Barracks, Vilseck, Third Floor.
- **When:**
  - Monday, Tuesday, Wednesday, and Friday from **0900-1130**.
  - All days **1300-1600**.



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# Trial Defense Service



- **Who:**

- **DSN:** 314-599-7737; 314-599-7744
- **EMAIL:** [usarmyy.bavaria.7atc.mbx.trai1-defense-services@army.mil](mailto:usarmyy.bavaria.7atc.mbx.trai1-defense-services@army.mil)
- **Commercial line:** 09641-70-5997737 or 7744.
- Attorneys: One 1LT, five CPTs, two MAJs.

- **What?**

- Investigations and Suspect Rights
- Article 15s, Separations, Courts-Martial
- Some GOMORs
- Some other Administrative Boards.
- If you have a question, submit a ticket and ask.





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# Trial Defense Service

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- 1. You have the right to remain silent. Use it.**
- 2. Be prepared for a long haul.**
- 3. Minimize risks.**
- 4. Do not trust CID, MPs, German Polizei, or anyone asking you questions about something that did, or did not happen.**



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# Trial Defense Service



**Rule #1:  
Shut up.**



**CID and MP are not your friends.**

**Your story will not exonerate you; they will not believe you.**

**They will look for anything to find you guilty.**

**They will not look for anything to show your innocence.**