

LEGAL ASSISTANCE OFFICE

Ft. Stewart and Hunter Army Airfield

GOVERNMENT SHUTDOWN INFORMATION & RESOURCES FOR MILITARY

Information Brief

PURPOSE: To inform Fort Stewart and Hunter Army Airfield Soldiers and Family Members about available resources during the government shutdown.

HOW DOES A SHUTDOWN AFFECT SERVICE MEMBERS AND MILITARY PAY?

- Military members required to work during a shutdown will not receive pay or allowances during the period of the shutdown. The Government Employee Fair Treatment Act of 2019 mandates that military personnel and other federal employees receive retroactive backpay once a shutdown concludes.

WHAT CAN I DO TO PREPARE FOR LIVING WITH NO PAY?

- Review your budget and assess your immediate needs; prioritize expenses and identify any areas with financial flexibility that can be pushed out for a month or more.
- Use the attached templates to contact your creditors, landlord, utility companies, mortgage company, and educational institutions, to make them aware your pay is affected by the government shutdown. Request to make smaller payments or request deferred payments until your pay is restored.
- Consider stopping automatic payments, especially if you have any automatic payments pulling from your bank account, as it will decrease readily available funds for payments that can possibly be deferred.

TIPS

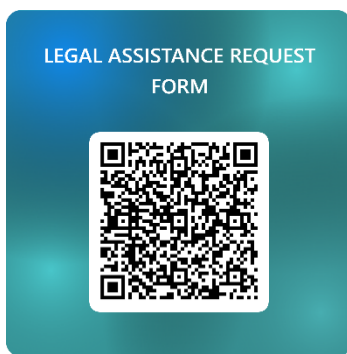
- Be careful who you share information with. During crisis, many people will try and steal your information. Never give your information to companies that contact you by phone; call back on official numbers after researching them on the web if you want to engage their services.
- DO NOT rush to borrow money from payday lenders, title lenders, or take out high-interest personal loans! These types of high-interest loans are difficult to pay off even after pay resumes.
- If you decide to take out a loan, read all documents before signing to learn what you are signing up for! Look out for interest rates higher than national average for that type of loan, any additional service fees charged by the company (service fees, late fees, pre-payment penalties, etc.), and make sure you know what happens in the event you are late or are unable to make a payment.
- Don't forget the protections available through the Servicemember's Civil Relief Act (SCRA) (*more information on page 3*).

WHAT FINANCIAL RESOURCES ARE AVAILABLE?

- **Financial institutions and other credit union special programs** typically offer programs to help those without pay and offer interest-free loan programs for eligible members whose pay is impacted, typically matching a direct deposit up to a certain amount. Examples include:
 - **Navy Federal Credit Union (NCFU)** – Government Shutdown Assistance Program via website or mobile app (Suspense 10 October)
 - **United Services Automobile Association (USAA)** - Government Shutdown Assistance Program via website or mobile app (Suspense 10 October)
 - **PenFed**
 - **Armed Forces Bank**
 - **First Command Bank**
- **Contact your branch's Military Aid Societies as well as local state and community Assistance Programs:** These programs assist with your emergency financial needs such as food, gas, and utilities with an interest free loan expected to be repaid once normal pay resumes.
 - ***Army Emergency Relief (AER)** (providing zero-interest loans to Soldiers if the 15 October payday is impacted)
 - Navy Marine Corps Relief Society (NMCRS)
 - Air Force Aid Society (AFAS)
 - Coast Guard Mutual Assistance (CGMA)
- **Other aid organizations may be able to assist:**
 - American Red Cross
 - Operation Homefront (Critical Financial Assistance Program)
 - Armed Services YMCA
 - Military OneSource
 - Local food pantries and community organizations.

HAVE ADDITIONAL QUESTIONS?

Soldiers and Family Members can use the QR code below to request an appointment with an attorney.



WHAT IF YOUR CREDITORS ARE NOT WILLING TO WORK WITH YOU AND YOU CAN'T MAKE YOUR PAYMENTS?

If you cannot secure additional assistance and the individuals or businesses you are under contract with cannot support you with deferred or reduced payments, the Servicemember's Civil Relief Act (SCRA) may provide some protections for active duty servicemembers from adverse actions:

- **Evictions:** SCRA requires a court order to evict a servicemember from a residential home regardless of the terms of the contract or other local law that may allow non-judicial evictions. The eviction process often takes 30 days or more, so you don't have to vacate the home immediately, even if your landlord tells you otherwise or you receive a notice to vacate within a few days. In most states, this type of notice is the first step before a landlord can file eviction papers in court. If you are not sure where your landlord is in the eviction process, request he/she provide a Final Order of Eviction signed by a state court judge before you vacate.
- **Repossession Protections:** The SCRA states that a creditor may not repossess a vehicle during a borrower's period of military service without a court order as long as the servicemember borrower signed the loan agreement and made at least one installment payment on the contract, before entering military service.
- **Liens:** A lien cannot be enforced on a servicemember's property during or within 90 days after military service unless there is a valid court order.
- **Foreclosure:** The SCRA prohibits non-judicial (out-of-court) foreclosures on mortgages that originated before military service. Courts have the ability under the SCRA, and a duty in certain instances, to stay a non-judicial foreclosure proceeding or adjust the payments if the servicemember's ability to meet the obligation is materially affected because of his or her military service.
- **Protection against default judgments (a court order):** If, while on active duty, a civil action is filed against you, the judge must appoint a lawyer to represent you in your absence. The court must grant a delay, or stay, of at least 90 days if it determines there may be a defense to the action and the defense cannot be presented without your attendance.
- **Stay of Proceedings:** If you can't participate in a civil court action or administrative proceeding because of your military service, you can request a 90-day delay, or "stay", in the proceeding. You are automatically entitled to this delay if you follow all the requirements. The judge, magistrate, or hearing officer can grant an additional 90-day stay. Proceedings may include actions for divorce, child paternity and support cases, as well as foreclosure proceedings to name a few.

Template Letter: Request for Deferred, Delayed, or Reduced Payment

[Your Name]
[Rank], United States [Branch of Service]
[Mailing Address]
[City, State, ZIP Code]
[Phone Number]
[Email Address]

Date: [Insert Date]

To: [Creditor's Name]
[Creditor's Address]
[City, State, ZIP Code]

Re: Request for Payment Relief Due to Government Shutdown, Account # [account #]

Dear [Creditor's Name],

I am writing to inform you of a temporary financial hardship directly resulting from the current federal government shutdown. As an active-duty member of the United States [Branch of Service], my military pay has been suspended or delayed during this period.

Because of this interruption, I respectfully request your assistance and support until my normal pay resumes.

This request is made in good faith, with the full intention of resuming regular payments as soon as my pay is reinstated.

I propose deferring all payments until 30 days after my next confirmed pay date, or temporarily reducing my monthly obligation to \$____ until my regular pay resumes.

Please confirm in writing that these accommodations can be made, or let me know if additional documentation (such as a copy of my LES or a statement of nonpayment) is required.

Thank you for your consideration, understanding, and continued support of military families during this difficult time.

Respectfully,

[Signature (if printed)]
[Your Typed Name, Rank, Branch]

Template Letter: Request for Rent Relief Due to Government Shutdown

[Your Name]
[Rank], United States [Branch of Service]
[Mailing Address]
[City, State, ZIP Code]
[Phone Number]
[Email Address]

Date: [Insert Date]

To: [Landlord's Name or Property Management Company]
[Address]
[City, State, ZIP Code]

Dear [Landlord's Name],

I am writing to inform you of a temporary financial hardship due to the current federal government shutdown. As an active-duty member of the United States [Branch of Service], my military pay has been suspended or delayed during this period.

Because of this interruption, I respectfully request temporary relief from my rental obligations. Specifically, I request that my rent payment be deferred, delayed, or reduced. Once normal pay is resumed, I propose to increase future rent payments by **\$[amount] over [number] rent payments** until any deferred, delayed, or reduced amounts are paid in full.

This request is made in good faith, with every intention of fulfilling my lease obligations in full once pay is restored.

I propose the following: [Choose what you are requesting]

1. Defer/delay/reduce rent for the period covering [insert date(s)].
2. Resume normal rent when pay is reinstated.
3. Apply a repayment plan of \$[amount] extra per month for [number] of months until the deferred balance is fully repaid.

Please confirm in writing whether this arrangement is acceptable, or let me know if you would prefer an alternative adjustment. I am happy to provide documentation of my pay status (such as an LES or command verification) if needed. Thank you for your understanding, consideration, and support of military families during this difficult time.

Respectfully,
[Signature (if printed)]
[Your Typed Name, Rank, Branch]

SCRA REQUEST FOR STAY OF PROCEEDINGS

The Servicemembers Civil Relief Act (SCRA) is a law that helps military members when their service makes it hard to keep up with bills or legal matters. If you get sued, you can ask the court to pause the case for at least 90 days. This pause, called a “stay,” gives you extra time before the case moves forward. You must request the pause — it doesn’t happen automatically.

This protection applies to all kinds of court and administrative hearings. Any member of the uniformed services on active duty is covered under the SCRA, including Reserve component personnel called to active duty, Coast Guard personnel, Public Health Service, and National Oceanic and Atmospheric Administration.

Requirements of SCRA Stay Request

You will need this motion and the following two (2) statements. They should either be included in the motion or provided with the motion as exhibits:

1. A letter or other communication setting forth facts stating the manner in which current military duty requirements materially affect the servicemember's ability to appear and stating a date when the servicemember will be available to appear.
2. A letter or other communication from the servicemember's commanding officer stating that the servicemember's current military duty prevents appearance and that military leave is not authorized for the servicemember at the time of the letter.

How to file your Request with the Court

Different jurisdictions have different requirements for filing documents with the court. The easiest way is to call the clerk of court in the county where the court action is pending and ask the court clerk for information about filing and serving motions.

Generally, to file a pleading involving a lawsuit, you can either mail the pleading and attachments to the court clerk where the lawsuit has been filed, or you may be able to file electronically through an online portal. You also must notify the other party, so it is best to make a copy for yourself and one copy to the opposing party or their lawyer. You must always follow the local rules of procedure. Again, you can always ask the clerk what the local rules are or where you can find them.

If mailing, send a self-addressed/stamped envelope with your pleading so the court clerk can send you back two copies of the request marked as filed. One of the copies should be sent to the opposing party and the other is for your records. Some clerks will automatically send a copy to the other party

What happens if I’m still unable to go to court after the 90-day stay is over? The Court can grant an extension to your stay.

You will need to follow the same procedures outlined above that you used to request the first 90-day stay.

Template Letter: Request for Stay of Court Proceedings Under SCRA

Date
Rank and Full Name
Street Address
City, State Zip Code

Honorable _____ Judge's Name

Street Address
City, State Zip Code

RE: Request for Stay of Proceedings
Docket/Case No.: _____

Dear Honorable _____ Judge's Name:

Pursuant to the Servicemembers' Civil Relief Act ("SCRA") 50 U.S.C. App. Section 522, this letter is my formal written request for a stay of proceedings, in the above referenced case. I am currently serving on active duty with the U.S. Army.

I am unable to appear before this Court on the date of the scheduled hearing because

_____. (Briefly explain why you are
unable to appear). However, I am able to appear before this Court on or after _____ Date. I
respectfully request this Court to stay the proceedings of this case until _____ Date. If
this Court will not stay the proceedings, I respectfully request this Court appoint counsel to
represent me after the expiration of the initial 90-day stay, pursuant to 50 U.S.C. App. Section
522(d)(2).

Please find the attached letter from my commanding officer.

If you have any questions or concerns, you may contact me at the above address, or
my commanding officer's address on the attached letter.

Respectfully Submitted,

_____ Sign

_____ Print Name

Attachment(s):
Commanding Officer's Letter
Orders to Deploy

Template Letter: Commander Letter Supporting SCRA Protection



DEPARTMENT OF THE ARMY
3D INFANTRY DIVISION
FORT STEWART, GA 31314

DATE

SUBJECT: _____ Soldier's Name Case Number: _____

CLERK OF COURT

_____ CIVIL COURT NAME

_____ COURT STREET ADDRESS

_____ CITY, STATE ZIP CODE

To Whom It May Concern:

I am the Commanding Officer of _____ Soldier's Name, the defendant in the court proceedings identified above and scheduled for trial on _____ TRIAL DATE. I write to request a stay of the proceedings pursuant to the Servicemembers Civil Relief Act (50 U.S.C. Sec. 3932(b)(2)(B)). _____ Soldier's Name is currently serving in the active military service at _____ DUTY LOCATION and will not be able to attend the currently scheduled hearing.

Due to military commitments, _____ Soldier's Name is not able to appear and defend in this action for the following reasons:

[REASON SERVICE MEMBER CANNOT APPEAR *[When explaining why the soldier may not appear in court, clearly outline the duties to which the soldier must attend and why he/she cannot take leave. Examples Include: Whatever reason is given, be sure to explain the reasons why the soldier is critical to this mission.]* This Soldier will not be granted leave to attend the scheduled proceeding. This Soldier will be able to appear in court on or after _____ availability date.

Federal law requires a stay of proceedings for a minimum of 90 days for service members on active duty (50 U.S.C. Sec. 3932(b)(1)). This stay may be extended if military service materially affects my ability to appear (50 U.S.C. Sec. 3932(d)). In this instance, _____ Soldier's Name critical role in the national security mission of this command precludes _____ Soldier's Name participation in court proceedings on or after _____ availability date.

_____ Soldier's Name believes that there are contested issues to be litigated and their presence is required to protect their interest. Therefore, I request a delay of all proceedings until such time as their ability to present a defense is no longer materially affected by my military service.

Thank you for your assistance. Please inform me at the above address, of your action regarding this request

Pursuant to the Servicemembers Civil Relief Act (50 U.S.C. Sec. 3932(b)(2)(B)), I respectfully request that you inform the Court and secure a postponement in the proceedings until _____ Soldier's Name can appear in court.

Sincerely,

_____ Cdr Full Name
_____, U.S. Army
Commanding Officer