

# Keeping It Legal

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43 AMOG/JA.*

## SCRA— Residential Lease Termination

The Servicemembers' Civil Relief Act (SCRA) was created to prevent servicemembers from being disadvantaged by their military service. As the needs of the military often require its members to move on short notice, the SCRA provides a variety of federal statutory protections to servicemembers including relief in the termination of real property leases.

A lease for property may be terminated by a servicemember if one of the following conditions are met:

- The servicemember occupying the premises under lease receives military orders for permanent change of station; or
- The servicemember occupying the premises under lease receives military

orders for deployment for 90 days or more.

To terminate your lease, you must give written notice to the landlord along with a copy of your orders or a letter from your commander indicating deployment.

For month-to-month rentals, the termination becomes effective 30 days after the first date on which the next rental payment is due subsequent to the date when the notice of termination is delivered.

For all other leases, termination becomes effective on the last day of the month following the month in which proper notice is delivered. If rent has been paid in advance, the landlord must prorate and refund the unearned portion within 30 days of the date of termina-

tion of the lease.

For example: If you pay rent on the first of the month and you give notice on the 29th of July, you will owe rent for August. If you give notice on the 2nd of August, you will owe for August and September.

A Sample Termination Letter is available on our website at : <https://www.pope.af.mil/About-Us/Legal-Office/Under-HELPFUL LINKS>.

Many states have additional or similar state law protections. Additionally, residential leases may contain a military clause. Always read your lease before taking any action. If your lease has a military clause or you believe a state law may be more advantageous, contact legal assistance.

### WELCOME!

Your local JA Office is here to help.

To request an appointment:

1. Call 910-394-2341;
2. Send an email to: [43AMOG.JA.LegalAssistance.us.af.mil](mailto:43AMOG.JA.LegalAssistance.us.af.mil); or
3. Visit: <https://www.pope.af.mil/about-us/Legal-appointment>

We provide notaries, powers of attorneys, and attorney consultations by appointment.

*For after-hours emergencies, call the Command Post (394-9000) to reach the on-call JAG.*

### ETHICS CORNER FUNDRAISING

Per 43 AMOG/CC Policy Memorandum dated 8 SEP 20, the AMOG Commander is the approval authority for all types of unofficial fundraising conducted by 43 AMOG personnel in the Pope AAF Footprint. The following types of fundraising activities shall be subject to mandatory legal review prior to approval: Raffles, inter-squadron fundraising, and fundraising that will be advertised through social media. Squadron Commanders are encouraged to seek legal review in all other fundraising activities to ensure compliance with ethical standards. All fundraiser requests must be routed through the 43 AMOG Legal Office at least five [5] duty days prior to the event.

## Moving and Claims

FROM: [HTTPS://MOVE.MIL/SERVICE-SPECIFIC-INFORMATION/AIR-FORCE](https://move.mil/service-specific-information/air-force)

It's that time again...PCS Season! Here are some helpful tips to make your move less stressful.

### 1. DELIVERY DAY

Write down new damage or missing items on the front of the Notice of Loss/Damage AT Delivery form. Be descriptive. Both you and one of the delivery team will sign and date the form and each receive a copy.

### 2. FILE THE NOTICE OF LOSS/ DAMAGE WITHIN 180 DAYS FROM DELIVERY

If you discover loss/damage after the moving company has left, you must give notification to the Transportation Service Provider (TSP) by filling out the Notice of Loss or Damage after Delivery form. You have 180 days from date of delivery to file with TSP. (Note: 75 days if picked up prior to May 15, 2020) .

### 3. FILING YOUR CLAIM

You have 9 months from date of delivery to file your claim with TSP in order to receive Full Replacement Value (FRV) for any missing or destroyed items. The TSP's liability is repair or full replacement value, whichever is less.

### 4. NEGOTIATING WITH YOUR TSP

The TSP has 60 days to review your claim and make a settlement offer. The offer should include an itemized list of their offer on each item. If you don't agree with the TSP's offer, you can ask them to reconsider. If you receive a final denial or don't agree with the offer, you can file with your military claims office (MCO) for those items you do not agree on value. The MCO will pay depreciated value and seek the remainder from the TSP.

### 5. CLAIMS ASSISTANCE

Contact the AF Claims Service Center by calling 1-877-754-1212 or 1-937-656-8044.

**This paper is for general legal education, and should not be substituted for legal advice.**