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# LEGAL READINESS BRIEFING

**920 RQW/JA**



# Legal Readiness



- 
- **Wills**
  - **Powers of Attorney**
  - **Advanced Medical Directives**
  - **Service Members Civil Relief Act (SCRA)**
  - **Uniformed Services Employment and Reemployment Rights Act (USERRA)**



# Wills



- **Do I need a Will?**
  - **If you are single, have no children, few possessions, and don't mind letting the state decide who gets your property, you may not need a Will**
  - ***Everyone* else should have a Will.**
- **Why should I have a Will?**
  - **Lets you decide how your property will be distributed upon your death**
  - **Protects you from the additional expense and court costs**
  - **Allows parents to choose the guardian for any minor children**



# Powers of Attorney



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## •General Power of Attorney

- Gives agent right to conduct financial and legal affairs on your behalf.
- Actions done under this authority are treated as if you actually conducted the transaction.

## •Special Power of Attorney

- Limited. Provides agent the right to act for you in order to accomplish a specific purpose.
- Authority granted is spelled out in the document , which narrowly defines the areas you are allowing the agent to obligate you.



# Advanced Medical Directives



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- **Durable Power of Attorney for Medical Care**
  - **Living Will:**
    - **instructs your physician to withhold or withdraw life- sustaining procedures if you become terminally ill, are in a coma, or are in a persistent vegetative state with no reasonable chance of recovery.**



# SCRA



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- **Affords active duty members protection while on active duty.**
  - **Stays from court proceedings: you may request an automatic 90-day delay**
  - **Eviction Notice: If rent for your dwelling is \$2,975.54 or less, a court can stay eviction up to 90 days, and a court order is required for eviction.**



# SCRA



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- **Terminating Residential Leases:**

- **terminate a lease for your home that was entered into before being called to active duty**

- **Terminating Auto Leases:**

- **entered before being called to active duty if you will be on active duty for 180 days or more**



# SCRA



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## •Terminating Auto Leases:

- entered before being called to active duty if you will be on active duty for 180 days or more; or
- receive PCS orders to go outside CONUS;
- deploying with a military unit for 180 days or more.



# USERRA



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- **Protects members from:**
    - 1. Discrimination based on military service;**
    - and**
    - 2. Losing job because of military service**
  - **This means:**
    - **An employer cannot discriminate among applicants/employees based on military service**
    - **You have a right to return to your job after deployment**



# USERRA



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- **Five Conditions of Eligibility:**
    1. **Permanent civilian employment**
    2. **Notice to employer**
    3. **Military service must not be longer than five years**
    4. **Discharge characterization (General or above)**
    5. **Timely reporting to civilian job**



# USERRA



- 
- **Returning from deployment**
    - **Timeliness:**
      - < 30 days deployed, then return for first reg. scheduled work period
      - 31-180 days deployed, apply w/in 14 days
      - >180 days deployed, apply w/in 90 days
    - **Applying for reinstatement**
      - **Notify employer of**
        - Prior employment
        - Prior notice of service
        - Service termination + that it was honorable
        - Demand for reinstatement + benefits accrued



# USERRA



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- **CANNOT** be terminated except for cause, for the following time periods upon return:
    - **180 days, if service 31- 180 days; or**
    - **One year, if service more than 180 days**



# Contact Info/Questions



- **Location**
  - **Bldg 425, 1<sup>st</sup> Floor**
- **Contact info:**
  - **321-494-1538**
  - **Please e-mail MSgt Kooyer at:**
    - **[buffy.kooyer.1@us.af.mil](mailto:buffy.kooyer.1@us.af.mil) for any questions**