



STATESIDELEGAL

Legal help for military members, veterans and their families

Stateside Legal™ Self-Help Sample Forms Packet Letter from Commanding Officer Confirming Military Obligation of Service Member (Protections under the Servicemembers Civil Relief Act)

This self-help resource was created by the Stateside Legal Project. Stateside Legal provides these sample forms and information free of charge to Individuals with Military Connections (IMC). These forms are not based upon any specific state law or jurisdiction. They are intended as samples of how to use the protections of the Servicemembers Civil Relief Act (SCRA) to assist active duty members of the military. **READ ALL INSTRUCTIONS AT THE END OF THIS PACKET VERY CAREFULLY.**

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MORE INFORMATION: For information about the Servicemembers Civil Relief Act or many more topics concerning individuals with military connections, visit www.statesidelegal.org or contact your local Judge Advocate General (JAG) Corps office, sometimes referred to as a military legal assistance office. Use the following website to locate the nearest one: <http://legalassistance.law.af.mil/content/locator.php> .

DISCLAIMER: *The Stateside Legal Information Series is produced by the Pine Tree Legal Assistance of Maine®, Arkansas Legal Services Partnership®, and the Legal Services Corporation®. These organizations promote or provide free legal services to eligible low-income people. Additional information can be found at www.lsc.gov. This sample form packet is given to you as a guide to help you generally understand the way legal matters are handled. Local courts interpret things differently. The information and statements of law contained in this fact sheet are not intended to be used as legal advice. Before you take any action, talk to an attorney and follow his or her advice. Always do what the court tells you to do.*

LETTER SAMPLE FROM SERVICEMEMBER'S COMMANDING OFFICER

DATE

COURTHOUSE
ADDRESS
CITY, STATE, ZIP

RE: Servicemember's Name - *Denial of Leave for Court Appearance*

TO WHOM IT MAY CONCERN:

I am the commanding officer of (SERVICEMEMBER NAME), SSN. HIS or HER current military duty prevents HIS or HER appearance in court on (DATE OF HEARING). SERVICEMEMBER NAME has requested leave for this court appearance. I have denied this request, and military leave is not authorized for SERVICEMEMBER NAME at this time. This denial is permitted under 50 U.S.C. § 3932(b)(2)(B) and this court must stay this action for a period of not less than 90 days. 50 U.S.C. § 3932(b)(1). Should this court require any further information from me, please do not hesitate to contact me at any of the methods below.

COMMANDING OFFICER
SERVICE BRANCH
ADDRESS
CITY, STATE ZIP

LAW YOU SHOULD KNOW:

The purpose of the Servicemembers Civil Relief Act (SCRA) is to provide protection to servicemembers who have difficulty meeting their financial and legal obligations because of their military service. If you are sued while on active duty then the SCRA allows the court to stay the action for at least 90 days. See 50 U.S.C. § 3932. This applies to all civil (not criminal) judicial and administrative hearings.

Any member of the uniformed services on active duty is covered under the SCRA. This includes Reserve component personnel called to active duty, Coast Guard personnel, as well as officers of the Public Health Service and the National Oceanic and Atmospheric Administration.

ABOUT THIS SAMPLE LETTER:

- This letter provides the required statement from a servicemember’s Commanding Officer explaining how current military service prohibits the servicemember from appearing in court and that military leave is not allowed at this time.
- Read over this letter and make sure the information you have given is correct and complete. The letter in this packet is not based upon any specific state law or jurisdiction. **The letter may need to be modified before use in any specific jurisdiction.**

MORE INFORMATION:

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