



MCCHORD'S LEGAL "EASE"

JAG Office, 62 AW/JA

June 2017

Contents

- Naturalization
- PCSing & Claims
- Ethical Failures
- Political Bumper stickers
- Military Justice updates
- Friendly Reminders



Naturalization Through Military Service

As we begin preparing fireworks and grills in anticipation of the 4th of July, we remember what this anniversary represents. During the American Revolutionary War, since the battles of Lexington and Concord, non-U.S. citizens have been integral to our fighting force. As of 2013, more than 65,000 non-U.S. citizens were serving on active duty in the U.S. Armed Forces, and that number continues to rise.

There are certain restrictions on non-U.S. citizens serving in the Air Force, which include ineligibility to reenlist, attend Airman Leadership School, achieve rank of Staff Sergeant. There is also a disqualification from obtaining security clearance; from assignments requiring security clearance; and assignments overseas.

As leaders in the Air Force, it is our duty to ensure maximum effectiveness and continuous improvement of our Airmen. There are ways to help non-U.S. citizen Airmen in your unit obtain citizenship. First, determine whether the Airman meets the following basic eligibility requirements for naturalization:

- ◆ 18 years of age
- ◆ Possesses good moral character
- ◆ Ability to read, write, and speak English
- ◆ Attachment to principles of the U.S. Constitution
- ◆ Knowledge of US history and government

Depending on whether the U.S. is determined to be in a period of hostility or in a state of peacetime affects the process for naturalization. The United States Citizenship and Immigration Services (USCIS) has determined the U.S. Armed Forces have been in a period of hostility since 2001, so the naturalization requirements for non-U.S. citizen service members are currently at a minimum.

Next, your Airman should prepare forms found on the USCIS website (www.uscis.gov), including: N-400 Application for Naturalization; N-426 Request for Certification of Military Service; G-325 Biometric Data. They'll also need a copy of their permanent resident card and two passport style photos.

Officers from USCIS take appointments every 2nd and 4th Wednesday at Armed Forces Community Service in Waller Hall. If the application is approved, the local field office will arrange an interview that covers the applicant's good moral character and basic understanding of civics. Mock examinations are available online at USCIS website.

Once naturalization is complete, there are certain requirements, which include: Notifying MPF so that he/she can reenlist; applying for voter registration; updating records at DMV; enrolling with the Social Security Administration. Now the Airman has become a U.S. citizen and can enjoy the full benefits of our great country and take greater responsibilities in the U.S. Armed Forces.

PCSing & Claims—What You Need to Know

It's that time of the year again for summer change-over and PCSing. That means you'll be shipping Household Goods (HHG) across the country or across the world. There is always a possibility something may go wrong and your goods may be damaged, so in that unfortunate event, here is what you need to know when you're seeking reimbursement.



It's always a great idea to video or photograph all of your expensive belongings prior to your PCS. This helps document the condition of your goods and will help to substantiate your claim with the Transportation Service Provider (TSP) or the USAF. Make your own inventory of what you have. It's a good idea to do this in addition to the inventory list the movers will keep. If anything, you will be able to read your handwriting better than someone else's and possibly catch a personal item the movers may have forgotten to document or misplaced.

If you need to file a claim, follow these initial steps:

1. When you first receive your HHGs, document all damage or lost items on the DD Form 1840, take pictures or videos, and receive estimated repair or replacement cost prior to signing the form and before the movers leave your residence.
2. Within 75 days, submit the DD Form 1840 to the TSP to claim for reimbursement.
3. If TSP is willing to settle the claim for repair or replacement equal to the value according to the substantiation you provided, you're good to go. If they offer less than what the item(s) are worth, you can file your claim through the USAF for the remaining balance

If circumstances arise that prevent you from filing with the TSP within 75 days of receipt of your goods, you may submit a claim with the USAF at the McChord Field Legal Office Bldg 100, Ste 3031 or through the AF Claims Service Center using the Defense Personal Property System (DPS).

- ◆ You will need a SF95 completed and signed with a total sum amount
- ◆ You will need two repair or replacement cost estimates for your items
- ◆ Documentation showing the condition of your item prior to shipment (if applicable)
- ◆ Bring all your documents including a copy of your PCS orders to the legal office or contact the AF Claims Service Center at 1-877-754-1212.

Claims can be a stressful process, especially if you do not know who to contact or when to file. Be sure to save a copy of your Smooth Move Briefing when you out-process to help you along the way. You can find the briefing at the link below.

https://claims.jag.af.mil/legalassistance/SmoothMoveSlides_as_of_11_Sep_2013.ppt

Any other questions may be directed to McChord Field Legal Office at DSN 382-6305.

Ethical Failures

(1) A service member filed a travel voucher, falsely claiming expenses for driving from Virginia to California to relocate for a new assignment. She received 10 days per diem. The inquiry found that the service member actually received a ride to Illinois from a friend, and then flew from Illinois to California. She was made to repay the difference in reimbursements and received a letter of reprimand.

Ethical Failures Continued

(2) Six service members stationed in the U.S. were arrested and charged with defrauding the Government. The brother of one of the service members set up an introduction between the six male service members and Russian women. The service members filed for increased BAH and FSA as allowed once married—though the service members never actually lived with the women. The service members were court-martialed, reduced in rank, and ordered to pay restitution of the amount they owed, which totaled over \$234,000. The women, who had obtained visas, were deported.

Source: Office of Government Counsel, Encyclopedia of Ethical Failures

Political bumper stickers

Regulations on political speech remain in effect even outside an election cycle. Please be aware that what you say through a bumper sticker needs to fit within political speech and activity guidance. Political activity is an activity directed toward the success or failure of a political party, candidate, or partisan political group.

The general rule is that Airman may place bumper stickers on their POVs and drive onto base. A bumper sticker is permissible, but a larger political sign, banner or poster is not. It is also a best practice to refrain from contemptuous words in these bumper stickers, as commissioned officers can be prosecuted under Article 88, UCMJ, for directing the words at those elected to specific political offices.

Sources: 5 CFR 734.306, AFI 51-902 *Political Activities by Members of the US Air Force*



What's Been Going on in Military Justice?: May-June 2017

Rank	Offense/Basis	Type of Action	Outcome
E-6	Wrongful use of Methamphetamine	Non-Judicial Punishment (Art 15)	Reduction in rank to E-5 Reprimand
E-4	Willful destruction of military property	Non-Judicial Punishment (Art 15)	Reduction in rank to E-3 (suspended) Forfeiture of \$500 pay per month for two months (suspended) Reprimand
E-4	AWOL	Non-Judicial Punishment (Art 15)	Reduction in rank to E-3 (suspended) Forfeiture of \$191 pay per month for two months 30 days extra duty Reprimand

Friendly Reminders from your local JAGs!

Trying to hold a raffle or some other game of chance?
Don't forget—before hosting this type of event, talk to the legal office first so that the format of the raffle does not violate the Joint Ethics Regulation!

When promoting Private Organization activities, remove any mention of duty title or rank! Don't mix private organization duties and your official position. Government email, and other resources, should not be used to promote private fundraisers.



McChord Field Office of the Staff
Judge Advocate

100 Col Joe Jackson Blvd, Suite 3031
 JBLM, WA 98438
(253) 982-6305

The Office of the SJA *only* provides legal assistance (Wills & Powers of Attorney) for personnel departing on contingency operations on short notice who cannot be seen by the satellite or the Fort Lewis Legal Assistance Office.

Mon/Wed: 0730-1630
 Tues/Thurs/Fri: 0730-1500

McChord Field Legal Assistance Office

100 Col Joe Jackson Blvd, Suite 1082, JBLM,
 WA 98438

(253) 982-5513

Legal assistance is available to authorized DoD ID cardholders, by appointment only, to discuss personal civil legal matters, such as wills and estate planning, domestic relations, landlord/tenant issues, & consumer affairs. Attorneys *cannot* discuss criminal law issues, nor provide advice over the telephone. Call ahead to schedule an appointment.

Walk-in notary services & Powers of Attorney are available Monday-Friday: 0800-1600.

ONLINE LEGAL ASSISTANCE:
<https://aflegalassistance.law.af.mil/lass/lass.html>