



Office of the Staff Judge Advocate LEGAL SERVICES U.S. Army Japan and I Corps (Fwd)

DECEMBER 2010

Newsletter

'Tis the Season: Gifts to Superiors

For all federal employees, including Servicemembers, gifts to supervisors and superiors are regulated by the Code of Federal Regulations and the DoD Joint Ethics Regulation. These carry the force of law for federal employees and they generally state that employees are not allowed to give gifts to superiors and superiors may not accept or solicit gifts from subordinates. This rule was designed to ensure fairness in the workplace and reduce any appearance of impropriety.

Like many federal laws and regulations, however, there are numerous exceptions. The first exception is that certain gifts can be given on an occasional basis, if they do not exceed \$10 per occasion. By occasional, this means certain rare but recurring events such as birthdays or religious holidays such as Christmas or Chanukah. This can also include food or drink shared by co-workers in an office.

Another exception is for gifts given on special, infrequent occasions. This could include events such as marriages, retirements, and the birth or adoption of a child. Promotions are not considered such events, however. An im-

portant thing to keep in mind is that when co-workers make donations for one consolidated gift to a superior, the value of the gift cannot exceed \$300 per donating group.

Along with this, federal employees are restricted in soliciting donations from their fellow co-workers. In cases of gifts to superiors, federal employees can solicit no more than \$10 per co-worker for either special, infrequent occasion gifts or for occasional sharing of food or drink. There is nothing that prohibits a co-worker from contributing more than \$10 if it is purely voluntary, but no more than \$10 can be asked. To keep donations transparent and voluntary, individuals in positions of authority should not be in charge of donations and lists of employees who have or have not contributed should not be kept.

Another important point to remember is that gifts to or from an employee's spouse are generally attributed to the employee with respect to the value limitations or special/occasional event restrictions. This is not the case, however, when a spouse has a prior existing relationship to their husband's/wife's superior, such as a family relationship.

Things to do when picking up a POV

When picking up your vehicle after it has been shipped overseas, some simple steps may help prevent you from being unable to file a claim for any damage. First and most importantly, thoroughly check your vehicle for damage or missing items and note anything on a DD Form 788.

As part of this initial inspection, check your vehicle's odometer, inventory items that you were allowed to ship with the vehicle such as tools or jumper cables, ensure the interior of the vehicle is in its previous condition and

there is no mold, and check to see if all car stereo components are intact.

If you feel the contractor's agent has interfered or tried to prevent you from filling out the DD Form 788, please report the matter immediately to the contracting officer's representative and do not leave without speaking to them.

For any hidden or subsequently-discovered damage, report this to the shipping company immediately as well as the Camp Zama Claims Office at 263-4137.

Office of the Staff Judge Advocate
USARJ
Unit 45005 APO, AP 96343-5005
DSN: 315 263-4698
Commercial: 81-46-407-4698

What to do about billing errors

Have you ever been billed for merchandise you returned or never received? Has your credit card company ever charged you twice for the same item or failed to credit a payment to your account?

WE'RE ON THE WEB

**HTTP://
WWW.USARJ.ARMY.MIL/
CMDSTAFFS/SJA/
LAO.ASPX**

**PROUD TO
SERVE
AMERICA'S
FINEST MEN
AND WOMEN**

If you have any questions, comments, or suggestions, please contact the Legal Assistance Office at 263-4698.



While frustrating, these errors can be corrected through the dispute settlement procedures provided by the Fair Credit Billing Act (FCBA). Bills you typically receive every month are covered by the FCBA, but not loan or credit sales paid according to a fixed schedule until the entire amount is paid back.

The FCBA settlement procedure applies only to disputes over "billing errors" on periodic statements such as unauthorized charges, charges that fail to record returns, and charges which you did not accept or were not delivered as previously agreed upon. To use the settlement procedure, first write to the creditor at the address given for "billing inquiries" on your bill, not the address for sending your payments, and include your name, address, account number and a description of the billing error.

Next, send your letter by certified mail, return receipt requested, so that it reaches the creditor within 60 days after the first bill containing the error was mailed to you. Include copies (not originals) of the sales slips or other documents that support your position, and always keep a copy of your dispute letter for your records. Within two billing cycles (but not more than 90 days), the creditor must conduct a reasonable investigation and either

correct the mistake or explain why the bill is believed to be correct.

While you may withhold payment of the amount in dispute, including the affected portions of minimum payments and finance charges, until the bill is resolved, you are still required to pay any part of the bill which is not in dispute, including finance and other charges on undisputed amounts. During the continuation of the FCBA dispute settlement process, the creditor may not take any action, legal or otherwise, to collect the amount in dispute. Your account may not be closed or restricted in any way, except that the disputed amount may be applied against your credit limit.

If the bill is found to be correct, then interest will be applied. If your bill is incorrect, the creditor must remove any and all finance charges, late fees or other charges related to that error. Any creditor who fails to follow the settlement procedure may not collect the amount in dispute, or any related finance charge, up to \$50, even if the bill turns out to be right.

You can also sue a creditor who violates the FCBA. If you win, you may be awarded your attorney's fees and damages, plus twice the amount of any finance charge - so long as it is between \$100 and \$1000.

If you wish to make a complaint, you can contact the Consumer Response Center by phone: toll free 1-877-FTC-HELP (382-4357) or by mail at:

Consumer Response Center, FTC
600 Pennsylvania Ave, NW
Washington, D.C. 20580