

Legal Briefing
Client Services, Office of the SJA



Office of the Staff Judge Advocate



What we do:

Legal Assistance/Tax Center/Claims

Military Justice (Soldiers)

Administrative Law / Labor Law

International Law (Host Nation Issues)



Legal Assistance



ELIGIBILITY: US Forces Personnel, Retirees, Dependents & Survivors

- * Contractors if included in their contract.**
- * Must bring contract/authorization for legal services (AR 27-3).**



Legal Assistance Services



- **WHAT types of advice / services do we offer?**
- **Estate Planning/Wills**
 - **Immigration**
 - **Separation & Divorce**
 - **Contracts**
 - **Debt / credit issues**
 - **Notary & document certification services**
 - **Security clearance issues (unpaid debts)**
 - **Financial Liability Investigation for Property Loss (FLIPL) Rebuttal/review**
 - **Reprimand Rebuttals**
 - **Qualitative Management Program (QMP) notification**

Claims - DD FORM 1840/1840-R



Two Step Process:

- *MUST provide notice to the Transportation Service Provider (TSP) of damages or loss within 75 days.*
- *File online claim at www.move.mil within 9 months of delivery for Full Replacement Value (FRV).*

Claims Office can provide additional assistance.

DD FORM 1840, 01 SEP 1997

JOINT STATEMENT OF LOSS OR DAMAGE AT DELIVERY

GENERAL DELIVERY TERMS: This form is to be completed by the carrier and the member and signed by the member or the member's representative. The carrier or the member's representative must complete this form in accordance with the instructions on the back of this form. The carrier or the member's representative must complete this form in accordance with the instructions on the back of this form. The carrier or the member's representative must complete this form in accordance with the instructions on the back of this form.

SECTION A. GENERAL INFORMATION

1. MONTH OF DELIVERY (month, day, year) (month, day, year) (month, day, year)

2. POINT OF DELIVERY (city and state/country) (city and state/country)

3. POINT OF ORIGIN (city and state/country) (city and state/country)

4. MODE (air, sea, rail, road) (air, sea, rail, road)

5. CLASS OF SERVICE (air, sea, rail, road) (air, sea, rail, road)

6. TYPE OF LOSS OR DAMAGE (loss, damage) (loss, damage)

SECTION B. LISTING OF LOSS OR DAMAGE

7. NUMBER OF ITEMS (number of items) (number of items)

8. DESCRIPTION OF LOSS OR DAMAGE (description of loss or damage) (description of loss or damage)

9. VALUE OF LOSS OR DAMAGE (value of loss or damage) (value of loss or damage)

10. SIGNATURE OF MEMBER OR AGENT (signature of member or agent) (signature of member or agent)

11. SIGNATURE OF CARRIER (signature of carrier) (signature of carrier)

12. SIGNATURE OF MEMBER OR AGENT (signature of member or agent) (signature of member or agent)

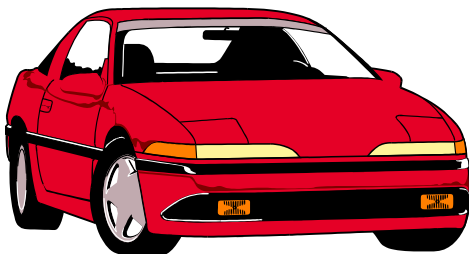
13. SIGNATURE OF CARRIER (signature of carrier) (signature of carrier)

DD FORM 1840, 01 SEP 1997. This form, together with DD Form 1840-R, is to be used to report an incident involving damage to or loss of property. It is to be completed by the carrier and the member and signed by the member or the member's representative. The carrier or the member's representative must complete this form in accordance with the instructions on the back of this form. The carrier or the member's representative must complete this form in accordance with the instructions on the back of this form. The carrier or the member's representative must complete this form in accordance with the instructions on the back of this form.

Japanese Auto Liability Law



- **Japanese Motor Vehicle Laws**
 - **“Professional Driver”**
 - **“Professional Negligence”**
 - **“Comparative Negligence”** (“Comparative Fault”)
Partial Negligence = Criminal Liability
(Cycles, Bikes, Pedestrians)





Alcohol in Japan



- **Legal Age is 20 Years Old**
- **Implied Consent**
 - **Take BAT or Forfeit License**
 - **No On-Post Exception (same laws on & off post)**

TAKE THE TRAIN!

USE A DESIGNATED DRIVER!

CALL THE MPs FOR HELP!

DO NOT DRIVE AFTER DRINKING!





Japanese Driving Laws



- **Japanese Law Blood Alcohol Content Limit = .03%**
- **Pretrial Detention**
- **Fine & Prison in Japan**
- **Revocation of SOFA license**
- **Passenger Liability - riding with drunk driver**
- **Suspension & Revocation (New as of: 30 March 16)**
 - 60 days suspension for .03-.049 BAC
 - 6 months revocation for .05-.079 BAC
 - 12 months revocation for .08 BAC and above





Prohibited Items

- Firearms / ammunition
- brass knuckles
- slingshots
- BB guns
- pellet guns
- switchblade knives
- stilettos & daggers
- Knives with blades longer than 5.8cm (<2.3 inches)



REGISTER REPLICAS
WITH THE COMMAND
USARJ Reg 190-6





Sexual Assault Laws



- Japan has primary jurisdiction in cases involving Japanese citizens as victims
- If you are a suspect in a crime and the Japanese decide not to prosecute, you can still be charged under the UCMJ (military members)
- Age of consent:
 - UCMJ – 16 years old
 - Japan

Article 4 of the Child Welfare Law of Japan defines "child" as "anyone below 18 years of age. The consent age depends on the prefecture, however, the Japan adult age is considered to be at the age of 20.



SOFA - Your Responsibilities



- **Identification to Japanese Authorities**
- **Cooperation & Courtesy**
- **Notification to MPs, Supervisor or Commander**
- **International Hold**
 - **U.S. ENSURES YOUR PRESENCE IN JAPAN DURING ANY PROCEEDINGS**



Military Justice - Other Issues



- Family Member Misconduct

Penalties

- Community Service
 - Fees
 - Early Return of Dependents (ERD)
 - Bar from post
-
- Do not contribute to the “Black Market” (e.g., sell PX items off base)
 - Make sure your dependents are properly SOFA licensed to drive!
 - Visitors must have a SOFA license to drive on post!
-
- Be careful with off-base OTC medications!
 - If in doubt check with MEDDAC / MPs
 - Example: “Bron” contains codeine - a Schedule II narcotic under the U.S. Controlled Substance Act





Military Justice - Curfew



- **Currently SGT (E5) and below: 0100-0500**
- **Off-installation public consumption of alcohol prohibited between 2400-0500**
- **Commanders can make some exceptions**
- **There are various other exceptions, so check with your command!**

- **Review the Liberty Policy!**

Labor Law US - Japan SOFA



Individual Privileges – GET PRIOR APPROVAL

- **Commercial Activities Regulated**
 - May Teach English
 - Home Business or Off-Post Work Requires Garrison Command Approval!
 - Call Legal Assistance for Help
- **Off-post employment cannot be:**
 - In a bar or establishment that regularly sells alcohol.





Legal Assistance Office



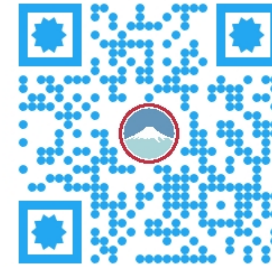
- **USARJ HQ BLDG. 101, Room CE-209**
 - **Second floor, near middle stairwell.**

- **Appointments:**
 - **Phone: DSN: 262-4698 or 262-3331**
 - **Mon, Tues, Thurs, and Fri: 0830 to 1630**
Wed: 0830 to 1200
Lunch: Daily 1200-1300

- **Walk-ins: Notary & Powers of Attorney**
Emergencies



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