

# MILITARY & VETERAN LEGAL RESOURCE GUIDE

LEGAL ASSISTANCE

CONSUMER PROTECTION

EMPLOYMENT

EDUCATION

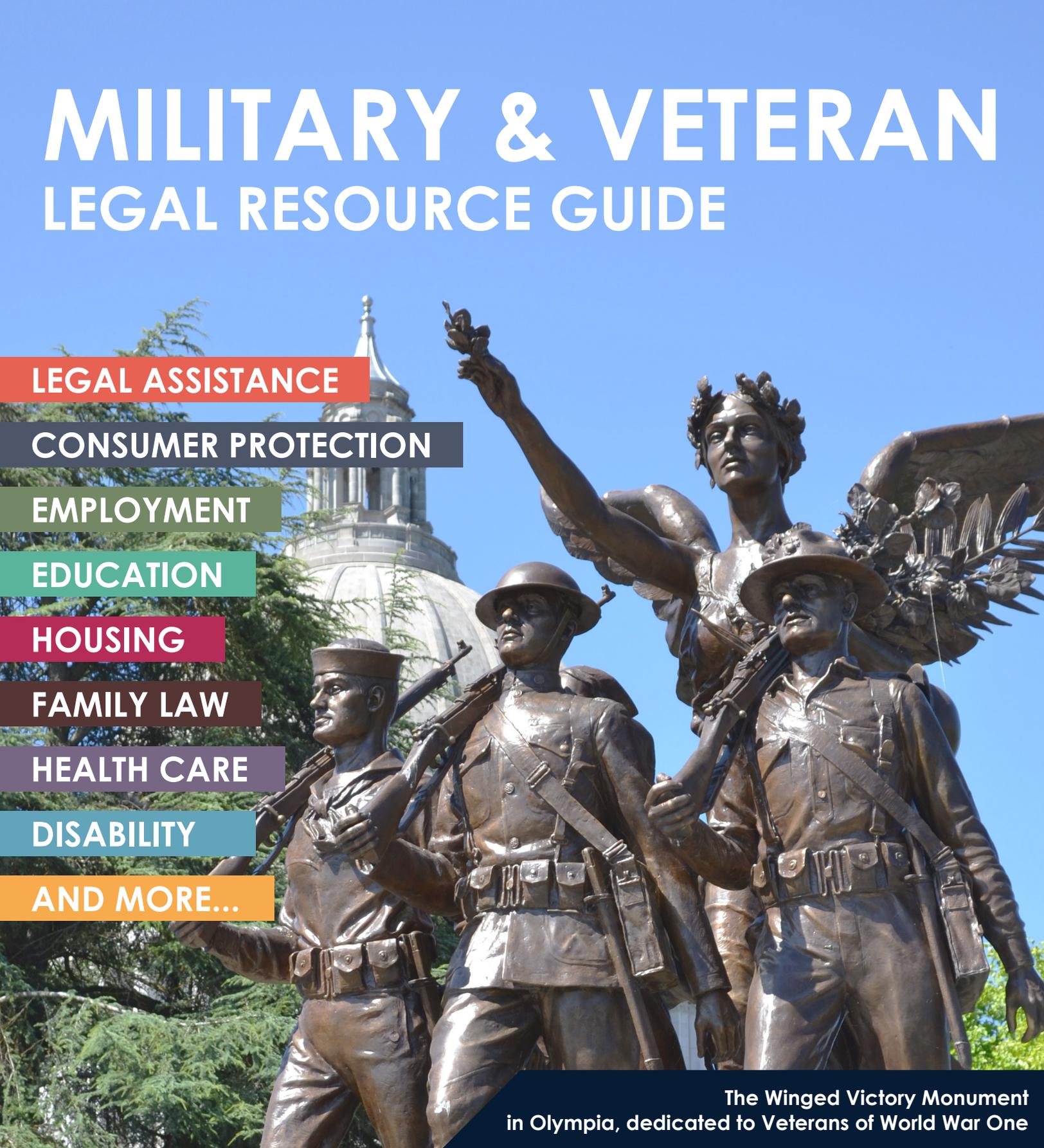
HOUSING

FAMILY LAW

HEALTH CARE

DISABILITY

AND MORE...



The Winged Victory Monument  
in Olympia, dedicated to Veterans of World War One



Presented by the  
Washington State Attorney General's  
Office of Military & Veteran Legal Assistance

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For a copy of the Military & Veteran Legal Resource Guide, visit:

[www.atg.wa.gov/veteran-and-military-resources](http://www.atg.wa.gov/veteran-and-military-resources)

or contact:

**Washington State Office of the Attorney General**  
**Military & Veteran Assistance**  
800 5th Avenue, Suite 2000  
Seattle, WA 98104

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### Dear Veterans and Military Families,

Like many Washingtonians, I come from a family of veterans. My late father was proud of his Navy service, both of my grandfathers served in the military, and many of my uncles fought in World War II. Their experience instilled in me an ethic of respect and appreciation for military service.

The Attorney General's Office is proud to support our military service members, veterans, and their families. These proud Americans have done their part to honor and serve our country—and it's only right to honor and serve them in return.

In that spirit, as Attorney General, I launched a Military and Veterans Initiative to make sure my office is doing its part to stand up for Washington's military service members and veterans. The initiative involves engaging and educating military service members and veterans about their legal rights and the resources available to them, as well as vigorously enforcing the legal protections within the Attorney General's authority. This guide is part of that initiative and I hope you find it useful.

As Attorney General, I also requested successful legislation to create the Attorney General's Office of Military and Veteran Legal Assistance. The legislation creating that office authorizes the Attorney General to actively work to recruit and train volunteer attorneys, maintain a registry of resources, and connect military and veteran families facing legal issues to civil legal resources. This guide includes information on how military personnel and veterans can request help from the Office of Military and Veteran Legal Assistance in connecting to legal resources.

Military service members and veterans deserve the support of the legal community. Through the Attorney General's Military and Veterans Initiative, my office is working to serve those who have served our country in uniform.

It is an honor to be able to serve Washington's veterans, military personnel, and their families.

Sincerely,

A handwritten signature in blue ink that reads "Bob Ferguson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bob Ferguson  
Washington State Attorney General





*"Serving Those Who Served"*

## Dear Veterans and Families,

On behalf of **YOUR** Washington State Department of Veterans Affairs and the over 560,000 veterans who call Washington State home, thank you for your service to our state and our nation. Your Washington State Department of Veterans Affairs stands ready to connect you and your family members to the benefits you earned through your military service.

Washington State is home to many agencies and officials like the Attorney General, who understand how important it is to "Serve Those Who Served."

Whether you are currently transitioning from active duty to civilian life, or whether you transitioned twenty years ago, let us help connect you with the benefits you earned.

You can visit your Washington State Department of Veterans Affairs online at [www.dva.wa.gov](http://www.dva.wa.gov), email us at [benefits@dva.wa.gov](mailto:benefits@dva.wa.gov) or call 1-800-562-2308.

We look forward to hearing from you and thank you for your service to our country!

Yours in service,

Lourdes E. Alvarado-Ramos  
Director, Washington State Department of Veterans Affairs





# INTRODUCTION

## About This Guide

In recognition of their service to our country in uniform, there are federal and state laws that extend certain rights and protections to military service members, veterans, and their families. There are, for example, laws to help these individuals avoid credit and foreclosure problems, and laws to protect against discrimination in employment and housing. Veterans and military personnel may also be entitled to healthcare, education, and other benefits.

This guide summarizes some of the many legal rights, protections, and resources available to Washington's military service members, veterans, and their families. It is designed to help promote awareness and understanding about the laws and protections among military service members, veterans, and others, and to help current and former military service members see the full benefit these laws provide.

Specifically, the guide provides information about the following:

- Legal assistance and proceedings;
- Consumer protections;
- Employment rights and protections;
- Education benefits and rights;
- Housing laws and benefits;
- Family law proceedings and rights;
- Health care resources;
- Disability compensation and accommodation; and
- Other issues, such as immigration and discharge upgrades.

If you have questions about the content of this guide, please contact the Attorney General's Office of Military and Veteran Legal Assistance at 206-464-6431 or visit our website at:

[www.atg.wa.gov/veteran-and-military-resources](http://www.atg.wa.gov/veteran-and-military-resources).



Korean War Memorial in Olympia

## About the Attorney General's Office

The Washington State Attorney General is the chief legal officer for the state, leading a team of attorneys and staff in representing state agency clients and the public interest as directed by state law. The mission of the Office of the Attorney General is to provide excellent, independent, and ethical legal services to the State of Washington and to protect the rights of its people.

State law generally prohibits the Attorney General's Office from representing private individuals in court or other legal proceedings, either to bring an action on behalf of an individual or to defend an individual. Consequently, the Attorney General's Office is not authorized to provide legal advice to residents on their personal matters.

## Disclaimer

The information in this guide is provided as a resource for general educational purposes and is not provided for the purpose of giving legal advice of any kind. Nor does this guide represent a legal opinion of the Attorney General.

The information provided in this guide may or may not apply to an individual's circumstances. Readers should not rely on information in this guide regarding any specific applications of the law without seeking private legal counsel or legal assistance.

This guide was last updated April 2020. As laws and regulations change, the statements and resources included may not be up to date.



# LEGAL ASSISTANCE

## Overview

The legal process can be confusing and often intimidating. Unfortunately, the realities of military service and overseas deployments can sometimes create additional barriers to accessing our justice system.

The information provided in this chapter relates to laws designed to protect the rights and interests of current or former military service members in legal proceedings. It includes information about resources available to veterans and military personnel who may need legal assistance or help navigating the legal process.

## Seeking Legal Assistance

The Attorney General's Office of Military and Veteran Legal Assistance was established as a result of successful legislation requested by the Attorney General. The office's purpose is promoting and facilitating civil legal assistance programs, pro bono services, and self-help services for military service members, veterans, and their family members domiciled or stationed in Washington.

The Office of Military and Veteran Legal Assistance has the authority to recruit and train volunteer attorneys, identify programs that provide pro bono services, and maintain a registry of resources across Washington State offering legal assistance services. The office also can receive requests for legal assistance, and assess and refer these requests to volunteer attorneys and programs. A list of programs offering legal assistance services and informational resources specifically for military service



Attorney General Ferguson visiting the 364th ESC Army Reserve in Marysville

members and veterans is available in the appendix.

If you contact the Attorney General's Office of Military and Veteran Legal Assistance, you will receive assistance determining what services you may qualify for and help navigating the available resources. Some resources include the potential for qualifying individuals to be connected to a lawyer who can provide legal advice or representation. However, the Attorney General's Office of Military and Veteran Legal Assistance may not directly provide legal assistance, advice, or representation to individuals unless otherwise authorized by law. Moreover, the office may not provide assistance to individuals facing criminal matters.

You can contact the Attorney General's Office of Military and Veteran Legal Assistance by phone at 206-464-6431 or via email at [OMVLA@atg.wa.gov](mailto:OMVLA@atg.wa.gov).



A list of programs currently offering legal assistance services is available in the appendix (page 45)

### Benefits and Claims Assistance

To pursue federal or state benefits, veterans can access help from the Washington State Department of Veterans Affairs. The department's Veterans Service Offices and statewide referral network are staffed with qualified service officers who can assist veterans and family members in accessing benefits.

More information is available online at [www.dva.wa.gov](http://www.dva.wa.gov), or by calling toll-free at 1-800-562-2308 or emailing [benefits@dva.wa.gov](mailto:benefits@dva.wa.gov).

### Default Judgment Protection

A “default judgment” is a judgment for the party bringing a lawsuit (plaintiff) without a full hearing on the merits of the case because the party against whom the lawsuit is brought (defendant) failed to appear or defend against the lawsuit. Under the federal Servicemembers Civil Relief Act (SCRA), certain service members are protected from default judgments in civil actions, including child custody proceedings. Before a court can grant a default judgment, a plaintiff must file an affidavit stating the defendant is not on active duty in military service, which can be verified by checking a database maintained by the Department of Defense at [scra.dmdc.osd.mil/scra](http://scra.dmdc.osd.mil/scra).

The SCRA dictates that in a civil proceeding, if it appears that a defendant who has not made an appearance is in active military service, a judgment may not be entered until after an attorney has been appointed to represent the military service member defendant. OMVLA recruits volunteer attorneys willing to be appointed to provide limited legal services to protect the interests of absent military defendants.

If a default judgment is nonetheless entered against an active duty service member, he or she may ask the court to set aside the judgment in certain circumstances. The service member must file a motion demonstrating that military service prejudiced his or her ability to defend the case and that there was a meritorious claim or defense.

The state version of the SCRA ([RCW 38.42.050](http://RCW 38.42.050)) also contains protections against default judgments.

### Stay of Proceedings

A “stay of proceedings” postpones a lawsuit. Under federal law, a court must order a 90-day stay of proceedings in circumstances where a service member has sufficiently showed his or her ability to participate in a civil proceeding, as either the plaintiff or the defendant, is materially affected by military service.

The SCRA allows a service member to apply for additional stays based the service member's military duty continuing to materially affect the service member's ability to appear. If a court or agency refuses to grant an additional stay of proceedings, the court or agency must appoint an attorney to represent that service member. OMVLA recruits volunteer attorneys willing to be appointed to provide limited legal services to protect the interests of absent military defendants.

A sample letter requesting a stay is included in the appendix to this guide.

State law ([RCW 38.42.060](http://RCW 38.42.060)) also allows for a stay of proceedings to protect certain military service members.

### Disability Accommodation and the Courts

Both the Washington Law Against Discrimination and the federal American with Disabilities Act require that government services and programs, including courts and administrative processes, are accessible for individuals with a disability. Qualifying disabilities include, for example, Post Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI).

To make a Washington State court service, program, or activity accessible, an individual with a disability can request an accommodation under General Rule 33, which is a rule applicable to all state courts. The specific accommodation that can be provided will vary depending on the nature of the disability, but in some instances could include the appointment of legal counsel.

More information about making an accommodation request is available at [www.courts.wa.gov](http://www.courts.wa.gov).

## Veterans' Treatment Courts

Sometimes veterans get involved in the criminal justice system, and sometimes that involvement stems from behavior associated with invisible wounds of war.

Veterans' treatment courts provide an opportunity for defendants to connect with treatment services to address particular issues that may have contributed to the conduct that led to arrest or other issues before the court. Veterans' treatment courts proliferated nationally because of their success in helping control costs, reducing recidivism, and improving the lives of the program participants and their families.

Veterans' treatment courts acknowledge the unique circumstances and challenges facing veterans. Both the veteran and the community are better served by avoiding unnecessary incarceration and by connecting the veteran to needed mental health or substance use disorder services.

Washington State encourages local jurisdictions to establish veterans' treatment courts and other effective specialty and therapeutic courts. There are a number of veterans' treatment courts operating throughout the state. Because veterans' treatment courts are established locally, there can be different eligibility and participation criteria.

More information about veterans' treatment courts, including a list of jurisdictions operating veterans' treatment courts and the contact information for such courts can be found online at [www.courts.wa.gov/court\\_dir/?fa=court\\_dir.psc&tab=7](http://www.courts.wa.gov/court_dir/?fa=court_dir.psc&tab=7).





# CONSUMER PROTECTION

## Overview

A priority for the Washington Attorney General's Office is to help safeguard consumers from deceptive and unfair business practices. Unfortunately, veterans and military personnel can be specifically targeted by scam artists and unscrupulous businesses, and the Attorney General provides consumer intelligence and support resources so current and former military service members are better equipped to protect themselves from consumer fraud.

In addition to consumer protection laws that apply to everyone, there is an important federal law, the Servicemembers Civil Relief Act (SCRA), which provides a number of specific consumer protections for military service members who are active in federal service. The SCRA defines "servicemembers" as those who are on federal active duty in the Armed Forces of the United States. It also includes members of the National Guard

and reservists called to federal active duty for a period in excess of 30 consecutive days. Washington State has adopted many of the same protections as the SCRA under state law ([RCW 38.42](#)), providing protections for military service members active in state service as well. These laws and others exist so members of the Armed Forces can focus their full attention on their military responsibilities without adverse consequences for them or their families.

The Washington State Attorney General's Office has authority to enforce the SCRA in support of Washington's military families. Individuals concerned their SCRA rights have been violated, or who have other consumer concerns, should file a consumer complaint with the Attorney General's Office. Information on how to file a complaint is at the end of this chapter.



ON

Sailors and Marines man the rails of the USS Anchorage in Puget Sound

## Credit and Debt

Managing credit and debt is important for everyone, but especially for military service members. Not only can poor credit and excessive debt result in having to pay higher interest rates, it can also prevent an individual from being able to obtain or retain a security clearance. The Attorney General's Office provides consumer information about credit and debt at [www.atg.wa.gov/credit-debt](http://www.atg.wa.gov/credit-debt). In addition, military service members should be aware of the specific protections under the law.

### Interest Rates Capped at 6%

The federal SCRA allows service members to cap the interest rates on most preexisting loans or obligations at 6% per year while on active duty. The 6% interest rate cap applies to mortgages, credit cards, car loans, other installment loans, and some student loans as well.

To qualify for the 6% interest rate cap:

- The service member must currently be on active duty;
- Their debt must have been incurred prior to entering active duty; and
- Military service materially affects their ability to pay.

The 6% interest rate cap does not apply automatically. To gain the benefit, the service member must:

- Send a written request to their lender; and
- Include a copy of their military orders.

The request to the lender may be sent any time during active duty and up to 180 days after release from active duty. All interest in excess of 6% is forgiven during the covered period and cannot accrue or become due after service. "Interest" includes fees and other charges.

A sample SCRA interest rate reduction request letter is included in the appendix to this guide.

# Consumer Protection

## Free Copy of Credit Report

A credit report includes information on where you live, how you pay your bills, and whether you've been sued or have filed for bankruptcy. Businesses use the information in a credit report to evaluate applications for credit, insurance, employment, and renting or buying a home.

Federal law requires each of the nationwide credit reporting companies — Equifax, Experian, and TransUnion — to provide an individual with a free copy of his or her credit report once every 12 months upon request. The only official site to request a free annual credit report is [www.annualcreditreport.com](http://www.annualcreditreport.com).

For security reasons, [annualcreditreport.com](http://annualcreditreport.com) does not work outside the U.S. and its territories. Service members stationed outside the U.S. can call 1-877-322-8228 for more information on obtaining their free credit report.

## Active Duty Alerts

Under federal law, a deploying service member can place an “active duty alert” on his or her credit report at no cost. The alert helps minimize the risk of identity theft during deployment, requiring businesses to take extra steps before issuing credit in the service member’s name. Active duty alerts last for one year and can be renewed to match the period of deployment.

To place an active duty alert, a service member should contact any one of the three nationwide credit reporting companies:

- Equifax: 1-800-525-6285, [www.equifax.com](http://www.equifax.com)
- Experian: 1-888-397-3742, [www.experian.com](http://www.experian.com)
- TransUnion: 1-800-680-7289, [www.transunion.com](http://www.transunion.com)

## Military Lending Act

The federal Military Lending Act requires that many types of consumer credit offered to active duty service members and their dependents include certain protections.

Under the Military Lending Act:

- Lenders are prohibited from securing the loan by holding a check or car title, or obtaining access to a bank account;
- A clear description of payment obligations and other disclosures must be provided;
- Mandatory arbitration clauses and waivers of legal rights may not be included as loan terms; and
- Interest rates and most fees are capped at an annual percentage rate (APR) of 36%.

These protections apply to credit cards and payday loans, as well as other types of credit. The federal Consumer Financial Protection Bureau (CFPB) has the authority to enforce the Military Lending Act along with other federal consumer financial laws. More information about the CFPB and information on how to file a complaint is available at [www.consumerfinance.gov](http://www.consumerfinance.gov).

## Payday Loans to Military Borrowers

In addition to federal protections, Washington law provides other protections to military borrowers of payday loans or “small loans.” State law ([RCW 31.45.210](http://RCW 31.45.210)) provides that payday lenders:

- Cannot garnish any wages or salary paid for service in the Armed Forces when attempting to collect a delinquent loan;
- Cannot contact the military chain of command to try to collect a delinquent loan;
- Must defer all collection activity against a borrower during the time he or she is deployed to a combat or combat support posting; and
- Must honor the terms of any repayment agreement made with the borrower, military financial counselors, or third-party credit counselors.

Military borrowers concerned these provisions are being violated should file a complaint with either the Washington State Department of Financial Institutions ([dfi.wa.gov/consumers/payday-loan-complaint](http://dfi.wa.gov/consumers/payday-loan-complaint)) or the Attorney General’s Office as described later in this chapter.

## Collection Agencies

Washington’s Collection Agency Act ([RCW 19.16](#)) and the federal Fair Debt Collections Practices Act govern the practices of “collection agencies,” which are businesses that collect debts for other businesses. These laws do not apply to businesses directly collecting on their own accounts.

While there are no military-specific provisions, military service members and civilian consumers have rights under the laws governing debt collection. For example, a debt collector may contact an individual’s supervisor — which is the commanding officer in the military — but only to find out where the person who owes the debt lives, his or her phone number, and where the individual works. A debt collector may not tell the individual’s supervisor that a debt is owed and typically may only contact the supervisor once. Military service members who have collection agencies repeatedly contacting their commanding officer or chain of command should consider filing a complaint with the Attorney General’s Office as described later in this chapter.

The Federal Trade Commission has more information about your rights under federal debt collection laws at [www.consumer.ftc.gov/articles/debt-collection-faqs](http://www.consumer.ftc.gov/articles/debt-collection-faqs).

## Motor Vehicles

For military personnel and veterans, just like for many consumers, a car is one of the most expensive purchases they make. Unfortunately, auto sales and financing scams are among the leading causes of financial problems for military service members.

Whether you are a military service member, a veteran, or a civilian, it is always better to be an informed consumer. The more you know, the less stressful and confusing the car buying process can be. For example, a persistent myth is that car buyers have a three-day “cooling off” period to cancel a motor vehicle purchase, but there is no three-day right of cancellation under Washington law.

The Attorney General’s Office provides information to help consumers understand their rights, and tips and suggestions to keep in mind when buying or leasing a car. For additional information, visit [www.atg.wa.gov/cars-0](http://www.atg.wa.gov/cars-0).



# Consumer Protection

## Washington Lemon Law

The Washington State Motor Vehicle “Lemon Law” ([RCW 19.118](#)) was adopted to help new vehicle owners who have substantial continuing problems with warranty repairs. Your new vehicle may qualify as a “lemon” if it has at least one significant defect that has been subject to a reasonable number of attempts to diagnose or repair, and the problem is covered under the manufacturer’s warranty. The law allows the owner to request a free arbitration hearing through the Lemon Law Administration of the Attorney General’s Office. A favorable arbitration decision can result in the lemon vehicle being replaced.

An owner of any new vehicle purchased in Washington can request arbitration under the Lemon Law at any time within 30 months of the vehicle’s original retail delivery date. Military service members assigned to duty or living in Washington who brought a new vehicle from another state are also covered by Washington’s Lemon Law if the vehicle was purchased or leased with a manufacturer’s written warranty within the last 30 months, and if it meets the other standards and eligibility requirements.

For more information or to request an arbitration hearing, you can call the Attorney General’s Office Lemon Law Administration at 1-800-541-8898 or visit [www.atg.wa.gov/lemon-law-0](http://www.atg.wa.gov/lemon-law-0).

## Automobile Lease Termination

The federal SCRA allows active duty service members to terminate an automobile lease without having to pay early termination charges if:

- The lease was entered into prior to active duty, when the service member is called to active duty for 180 days or longer; or
- The lease was entered into during active duty, when the service member receives a permanent change of station outside the continental United States or will deploy with a military unit for 180 days or longer.

To terminate the lease, the service member must:

- Provide written notice of the termination to the dealer;
- Include a copy of his or her military orders; and
- Return the vehicle within 15 days.



Service members cannot be charged extra fees for the early cancellation of the lease. However, service members can still be charged taxes, title, registration, and other fees, including charges for excessive wear and mileage due or unpaid on the date of the lease termination. Any advance payments made by the service member must be refunded within 30 days of the lease termination.

A sample SCRA automobile lease termination letter is included in the appendix to this guide.

## Repossessions

Under the federal SCRA, creditors cannot repossess personal property, including automobiles, of active duty military personnel without a court order if the service member purchased or leased the property and made a deposit or installment payment before entering active military service. This protection does not apply to property purchased after entering active duty status. A court may stay repossession proceedings if a judge finds that the service member's ability to comply with the contract is materially affected by the individual's military service.

If you believe your SCRA rights may have been violated, you are encouraged to file a complaint with the Attorney General's Office as described later in this chapter.

## Military Consumers & Service Contracts

### Cell Phone Services

The federal SCRA allows active duty service members to terminate a cell phone service contract without having to pay early termination charges if:

- The service member receives military orders to relocate to a place where the service provider does not provide the coverage under the contract; and
- The service member will be in that location for 90 days or more.

To terminate the contract, the service member must:

- Provide written notice of the termination; and
- Include a copy of his or her military orders.

The law allows service members to retain their phone number. Family plans may be canceled if the family moves with the service member.

### Other Service Contracts

To supplement the protections provided under the federal SCRA, the Attorney General requested successful legislation that amended state law to allow a military service member to terminate or suspend certain contracts for services under certain conditions. Under [RCW 38.42.160](#), a military service member in receipt of orders for a permanent change of station or to deploy for thirty or more days may suspend or terminate a service contract without incurring additional fees or penalties for:

- Subscription television services;
- Internet services;
- Health studio services, such as a gym membership; or
- Other telecommunication services.

To terminate the contract, the service member must:

- Provide written notice; and
- Include a copy of his or her military orders.

Under the law, a service contract is terminated upon providing proper written notice. The law also allows military service members to restore such service contracts on similar or other favorable terms following completion of the service member's military service obligation.

A sample service contract termination or suspension request letter is included in the appendix to this guide.

### Storage Liens

The federal SCRA prohibits foreclosure or enforcement of a lien on the property or effects of a military service member during, or 90 days subsequent to, their period of active military service without first going to court and getting a court order. This protection applies to a lien for storage, repair, cleaning, or for any other reason.

If you believe your SCRA rights may have been violated, you are encouraged to file a complaint with the Attorney General's Office as described later in this chapter.

## Pensions

The Washington State Pension Poacher Prevention Act was requested by the Attorney General in the wake of reports of unscrupulous “advisers” trying to convince veterans to transfer assets to a trust or invest in insurance products in order to qualify for federal VA pension benefits. What these “advisers” don’t say, however, is that there are no guaranteed VA benefits, that veterans can get free assistance in filing VA benefit claims, and that such asset restructuring may have serious consequences, including a loss of Medicaid eligibility. For more information about the types of questionable advice to watch out for, visit [www.consumer.ftc.gov/articles/0349-veterans-pensions](http://www.consumer.ftc.gov/articles/0349-veterans-pensions).

Under state law, it is a violation of the Consumer Protection Act to:

- Take compensation for assisting a veteran with a benefit claim, except as allowed under the rules governing accreditation by the Department of Veterans Affairs (VA);
- Guarantee a specific benefit amount; or
- Misuse personal and financial information gathered for the purpose of assisting a veteran with a benefit claim.

Pension advances — or pension sales, loans, or buyouts — are also an area of concern from a consumer protection perspective. A pension advance involves pensioners giving up all or some of their monthly pension checks for a period of time in exchange for an upfront, lump sum cash payment. In many cases, the upfront cash is provided by individual investors who are drawn to the promise of a low-risk investment with returns at attractive interest rates. But for pensioners, pension advances often include costly and misunderstood fine print, such as exorbitant interest rates.

The Federal Trade Commission offers tips and information related to pension advances at [www.consumer.ftc.gov/articles/0513-pension-advances-not-so-fast](http://www.consumer.ftc.gov/articles/0513-pension-advances-not-so-fast).



## Guarding Against Fraud and Scams

Unfortunately, some unsavory businesses and individuals target our nation's veterans and service members. One way to decrease your risk of being taken advantage of is to utilize the consumer intelligence and support resources and tools offered by the Attorney General's Office. More information and the latest news are available at the Office's Scam Alerts website: [www.atg.wa.gov/scam-alerts](http://www.atg.wa.gov/scam-alerts).

## Charities

Many legitimate charities solicit donations to support those who have served in uniform and their families. However, not all "charities" are legitimate; some are sham operators with the only purpose of making money by taking advantage of the goodwill afforded the men and women of our Armed Forces. More information on charitable organizations and fundraisers, including what to watch out for, is available at [www.atg.wa.gov/charities](http://www.atg.wa.gov/charities).

If you have concerns about a charity or fundraiser you suspect may be violating the Charitable Solicitations Act, you are encouraged to file a complaint with the Attorney General's Office as described in this chapter.

## Consumer Complaints

Hearing from consumers with complaints and working to resolve them is an important part of how the Attorney General's Office serves the residents of Washington State. Consumer complaints help identify unfair and deceptive business practices that could warrant investigation and legal action by our office on behalf of the public interest.

The Attorney General's Consumer Protection Division offers a free informal complaint resolution service to help consumers and businesses resolve complaints when either the business or consumer is in Washington State.

More information about consumer issues and the types of complaints the Attorney General's Office can assist in resolving is available at [www.atg.wa.gov/safeguarding-consumers](http://www.atg.wa.gov/safeguarding-consumers).

## How to File a Consumer Complaint

The Attorney General's Office accepts complaints, filed by mail or online. The office is unable to accept complaints over the phone because the consumer must sign the complaint declaration.

To file a Complaint Online: Online complaints are the fastest way to file your complaint. The online complaint form is available at [www.atg.wa.gov/file-complaint](http://www.atg.wa.gov/file-complaint).

To file a Complaint by Mail: To request a paper complaint form to file by mail, you can call the Attorney General's Consumer Resource Center toll-free at 1-800-551-4636.

The Consumer Resource Center reviews complaints filed with the office within seven business days and determines if there are issues appropriate for the informal complaint resolution service. The entire process typically takes between 40-60 days. Complaints are processed as follows:

- Upon intake, a complaint number is assigned. We will contact you with the complaint number and the name of the staff person assigned to handle the complaint.
- We send a copy of the complaint to the business asking for a written response to the complaint for the public record.
- If the business does not respond within 30 days, we send the business a second request for a response to the complaint.
- If the business provides a response at any point, we will send you a copy of the response, which concludes the informal complaint resolution process. In many instances, businesses work to resolve the consumer's complaint. However, through this process, the Attorney General's Office cannot compel the business to resolve the issue in your favor.
- If the business fails to respond, that can also conclude the informal complaint resolution process. In such instances, staff will notify you and provide you with other possible options for trying to address the issue.
- The complaint about the business and its business practices will become part of our complaint records, which the office uses to help identify patterns of unfair and deceptive business practices.



# EMPLOYMENT

## Overview

The men and women who put their lives on the line in service to our country shouldn't have to stand in the unemployment line when they get home. Unfortunately, unemployment can be a struggle and many service members face challenges translating military experience into civilian employment.

The information provided in this chapter relates to select federal and state employment laws and protections specific to veterans, military personnel, and their families. Help may be available for veterans and service members seeking enforcement of these laws and, when that is the case, contact information for the appropriate agency is included.

## Employment and Reemployment Rights

### Uniformed Services Employment and Reemployment Rights Act

To minimize disadvantages and disruptions to individuals with military service obligations, the federal Uniformed Services Employment and Reemployment Rights Act (USERRA) establishes certain rights and responsibilities for uniformed service members and their civilian employers.

USERRA applies to all employers, public and private, and protects the job rights and benefits of individuals who voluntarily or involuntarily leave employment to undertake military service.



**C-17 Globemaster transports under inspection at Joint Base Lewis-McChord**

USERRA assures an employee returning from active duty military service or training the right to be reemployed to the same position they left (or a like position for which they are qualified) with the same benefits.

To claim USERRA protection, individuals must:

- Provide advance notice of their military service to their employer;
- Have less than five years of cumulative military service during their tenure with that particular employer (Certain time periods may be excluded from the cumulative five years);
- Have not been separated from service with a disqualifying discharge or under other than honorable conditions; and
- Return to work or apply for reemployment in a timely manner.

The U.S. Department of Labor's Veterans' Employment and Training Service (VETS) provides assistance with USERRA claims. VETS is authorized to investigate and resolve complaints of USERRA violations. For more information about USERRA, or for assistance in filing a complaint, contact VETS at 1-866-4-USA-DOL or [www.dol.gov/vets](http://www.dol.gov/vets).

If VETS is unable to successfully resolve a complaint, an individual may request that a case be referred to the U.S. Department of Justice or the Office of Special Counsel. Individuals may also bring a private civil action against an employer for USERRA violations. VETS can provide more information about those options.

# Employment

## Employer Support of the Guard and Reserve

The U.S. Department of Defense's Employer Support of the Guard and Reserve (ESGR) is another resource for information and help related to USERRA. ESGR does not enforce USERRA, but serves as a neutral, free resource for employers and service members.

ESGR's Ombudsman Services Program provides information and mediation on issues related to USERRA. ESGR ombudsmen are volunteers located throughout the United States. The Washington ESGR office can be reached toll-free at 1-800-306-1971. You can find more information and submit questions at [www.esgr.mil](http://www.esgr.mil).

In addition to providing education resources, ESGR recognizes employers who support their Guard and Reserve employees by issuing awards. Recognizing supportive employers is vital to ESGR's mission.

## Washington State Employment & Reemployment Laws

Mirroring the federal USERRA law, Washington's employment and reemployment statute ([RCW 73.16](#)) establishes certain rights and responsibilities for uniformed service members and their civilian employers. The intent of the law is to ensure protections for state-activated personnel similar to those provided under USERRA for federal-activated personnel.

Under state law it is illegal to deny employment, reemployment, or any benefit of employment to service members because of their military association and obligations. Individuals who voluntarily or involuntarily vacate employment to serve in the uniformed services are eligible to be reemployed provided that:

- The employer has not experienced a change in circumstances that have made reemployment impossible or unreasonable;
- Reemployment does not impose an undue hardship on the employer; or
- The prior employment was not temporary.

State law also provides that any employee, once reemployed, will be considered as having been on a leave of absence and generally will not lose seniority, insurance, vacation, or other benefits they had previously earned.

To claim state law protections, individuals must generally:

- Provide advance notice of their military service to their employer;
- Provide documentation of having been discharged under honorable conditions or other proof of satisfactory completion of service; and
- Return to work or apply for reemployment in a timely manner, which depends upon the type and length of service (*see table below*):

Length of Service	Deadline for Applying for Reemployment
30 days or less	Must report to the employer and return to work on the next regularly scheduled work day after completion of service and expiration of an 8 hour rest period.
31-180 days	Must apply for reemployment and return to work within 14 days after completion of service.
181 days or more	Must apply for reemployment and return to work within 90 days after completion of service.
If hospitalized for illness or injury during service	Must apply for reemployment and return to work after he or she recovers from the illness or injury, so long as the period of recovery does not exceed 2 years.

Washington state law tasks the Attorney General's Office with enforcing the state law employment and reemployment protections ([RCW 73.16.061](#)). More information is available at [www.atg.wa.gov/veteran-and-military-resources](http://www.atg.wa.gov/veteran-and-military-resources) or by calling 206-464-6431. Individuals may also hire a private attorney to bring an action for enforcement.

# Family and Medical Leave

## Federal Family and Medical Leave Act

The federal Family and Medical Leave Act (FMLA) includes military family leave provisions, affording specific protections to address the needs of military families. To qualify for FMLA leave, you must work for a covered employer and be an eligible employee. Most private employers with at least 50 employees and public employers are covered by the law. To be eligible, you must:

- Have worked for your employer for at least 12 months;
- Have at least 1,250 hours of service with your employer in the 12 months before you take leave; and
- Work at a location where your employer has at least 50 employees within 75 miles of your worksite.

### Qualifying Exigency Leave

If your spouse, parent, or child of any age is a military service member who is deployed or has been notified of an impending deployment to a foreign country, you may be entitled to qualifying exigency leave.

Qualifying exigency leave allows up to a total of 12 workweeks of leave for qualifying exigencies, such as: making different day care arrangements for the military service member's children; attending official military ceremonies as your family member deploys or returns from deployment; or spending time with a military service member on Rest and Recuperation (R&R) Leave. FMLA leave taken to spend time with the service member during R&R Leave is limited to a period of 15 calendar days beginning on the date the military member commences each instance of R&R Leave.

### Military Caregiver Leave

If you are the spouse, parent, child of any age, or next-of-kin of a covered service member, you may be entitled to military caregiver leave.

Military caregiver leave allows up to a total of 26 workweeks of unpaid leave during a single 12-month period to take care of your covered service member or

veteran who has a qualifying serious injury or illness. Employers are prohibited from interfering with, restraining, or denying FMLA rights. The U.S. Department of Labor's Wage and Hour Division is responsible for administering and enforcing the FMLA for most employees.

If you have questions or you think that your rights under the FMLA have been violated, you can contact the Wage and Hour Division at 1-866-487-9243. More information about the FMLA and its protections for military families is available at [www.dol.gov/whd/fmla](http://www.dol.gov/whd/fmla).

## Washington Military Family Leave Act

Washington's Military Family Leave Act ([RCW 49.77](#)) supports military families and ensures they can spend time together before deployment and during a service member's leave from deployment. Under state law, the spouse of a military service member may take up to 15 days of unpaid leave from work when the service member is deployed or called up to active duty during a period of military conflict. The 15 days may be split, but the leave must be used prior to the deployment or when the service member is on leave during the deployment.

The spouse of a military service member intending to take leave under the act must notify his or her employer within five business days of receiving official notice of the deployment, active duty, or leave from deployment. Also, the employee must work an average of 20 hours or more per week to be eligible for leave under the law. Employers may count leave taken under federal law as leave concurrently taken under state law.

The Washington State Department of Labor and Industries investigates complaints related to the Military Family Leave Act and other state protected leave laws. You can contact the Department at 1-866-219-7321. More information about Washington's protected leave laws and instructions for filing a Protected Leave Complaint are also available at <https://lni.wa.gov/workers-rights/workplace-complaints/protected-leave-complaints>.

## Military Leave for Public Employees

Washington law ([RCW 38.40.060](#)) provides up to 21 days of paid leave during a one-year period for public employees to report to required military duty, training, or drills. The leave is for any member of the Washington National Guard, reservists, and active military service members. As of June 2018, when calculating leave, a shift that begins on one calendar day and ends on the next calendar day shall only be counted as one day of leave. To align with the federal fiscal year, the one-year period runs from Oct. 1 to the following Sept. 30.

## Hiring Preferences

### Federal Veterans' Preference

For many jobs with the federal government, veterans' preference laws give eligible veterans preference in appointment. Although preference laws do not guarantee a job, veterans who are disabled or who served on active military duty during certain specified time periods or military campaigns are entitled to preference in hiring and retention. Veterans' preference does not apply to internal agency actions such as promotions, transfers, reassignments, or reinstatements.

There are two designations of federal hiring preference for eligible veterans:

#### 10-Point preference

You qualify if you served at any time and have:

- A service-connected disability of any rating; or
- Received a Purple Heart.

#### 5-Point preference

You qualify if your active duty service meets any of the following:

- 180 or more consecutive days, any part of which occurred during the period beginning September 11, 2001 and ending on as August 31, 2010;
- Between August 2, 1990, and January 2, 1992;

- 180 or more consecutive days, any part of which occurred after January 31, 1955 and before October 15, 1976; or
- In a war, campaign or expedition for which a campaign badge has been authorized, or between April 28, 1952, and July 1, 1955.

The U.S. Department of Labor's "Veterans' Preference Advisor" is an online tool to determine the federal job preferences that may apply to you. For more information, visit [www.dol.gov/elaws/vetspref.htm](http://www.dol.gov/elaws/vetspref.htm).

### Washington Veterans' Preference

Recognizing the sacrifices made by those serving in military, Washington State has enacted laws to assist veterans seeking employment with the state or local governments and public agencies. In general, a veteran must first be able to show an honorable discharge or have received a discharge for medical reasons with an honorable record in order to qualify for state veterans' preference. Further requirements must be met depending upon the applicable law or rule. The applicable law depends on whether the employer administers a competitive examination as part of the hiring or promotion process.

#### When There is a Competitive Examination

If an employer administers a competitive examination to determine the qualifications of applicants, [RCW 41.04.010](#) provides that a scoring preference is added to a passing score as follows:

- 10% is added for a veteran who served during a period of war or in an armed conflict and is not receiving military retirement, until the first appointment. This percentage is not added for promotional exams.
- 5% is added for a veteran who did not serve during a period of war or in an armed conflict or is receiving military retirement, until the first appointment. This percentage is not added for promotional exams.
- 5% is added for a veteran who was called to active duty while employed with the state, or any of its political subdivisions or municipal corporations. This percentage is added to promotional exams until the first promotion only.

All veterans' scoring criteria may be claimed upon release from active military service with an honorable discharge or a discharge for medical reasons with an honorable record, or upon receipt of a separation order indicating an honorable discharge.

#### When There is Not a Competitive Examination

If an employer does not administer a competitive examination to determine the qualifications of applicants, [RCW 73.16.010](#) provides that honorably discharged veterans, their surviving spouses, and spouses of honorably discharged veterans with a permanent and total service-connected disability shall be preferred for public appointment and employment. As interpreted by the courts, this law is not an absolute preference, but operates as a tiebreaker where two or more candidates have equal qualifications. An individual who believes he or she is entitled to a preference under this law can seek to enforce his or her rights by filing a civil action in superior court.

#### **Private Preference Permitted**

Under [RCW 73.16.110](#), private employers may give hiring preferences to honorably discharged veterans. The law makes it clear that such preferences are voluntary, and are not violations of any state or local equal employment opportunity law.

## **Employment and Volunteer Opportunities**

Washington State administers a number of programs that provide employment assistance and/or offer volunteer opportunities for veterans, some of which are highlighted below:

- *WorkSource*: WorkSource is a statewide partnership of state and local agencies that provides an array of employment and training services. Federal law entitles veterans and eligible spouses priority access to WorkSource services, and most WorkSource offices have veteran employment specialists who help with job referrals, employment counseling, referrals to training programs, and more. Visit [www.worksourcewa.com](http://www.worksourcewa.com) to find the center nearest to you and for more information.

- *The Veterans Conservation Corps (VCC)*: VCC provides opportunities for veterans to connect with nature in their own way while restoring Washington's natural resources. Opportunities include stream restoration, re-vegetation of native plants, forest restoration, environmental education, and more. For more information visit [www.dva.wa.gov/benefits/veterans-conservation-corps-program](http://www.dva.wa.gov/benefits/veterans-conservation-corps-program).
- *Helmets to Hardhats*: Helmets to Hardhats is a national program that connects National Guard, Reserve, retired, and transitioning military service members with skilled training and career opportunities in the construction industry. To get connected, visit [www.dva.wa.gov/benefits/employment](http://www.dva.wa.gov/benefits/employment).
- *Homeless Veterans Reintegration Program (HVRP)*: HVRP is a proven, successful program that gets homeless veterans off the street and back to being productive members of society. HVRP offers a structured, individually designed case management plan to assist veterans become employable and secure. To learn more, visit [www.dva.wa.gov/benefits/homeless-veterans-reintegration-project](http://www.dva.wa.gov/benefits/homeless-veterans-reintegration-project).

Veterans seeking other employment resources can visit the Washington Department of Veterans Affairs at [www.dva.wa.gov/benefits/employment](http://www.dva.wa.gov/benefits/employment).

## **Occupational Licenses**

### **Military Service Members & Veterans**

Under state law, a number of the state agencies responsible for licensing certain professions evaluate and accept military experience or training for purposes of meeting the qualifications for licensure.

### **Military Spouses**

For some occupations, state law allows military spouses relocating to Washington to bring their occupational license to the state and continue to work.

Contact the specific licensing authority for your profession for more information.



# EDUCATION

## Overview

As the costs of college continue to increase, decisions associated with whether and how to pursue higher education can be challenging. However, both the federal government and Washington State offer benefits to service members, veterans, and their families to cover education expenses. Additionally, there are legal protections in place to ensure fair treatment and access in the education system. This chapter offers a summary of some of those benefits and protections.

## Tuition and Fee Waiver

Under Washington State law ([RCW 28B.15.621](#)), public colleges and universities are authorized to waive all or a portion of tuition and fees for eligible veterans and military service members. Tuition waivers may also apply to a child or spouse in certain circumstances. Each institution operates its own waiver program, so contact the specific college or university with questions or to learn about how to apply for a tuition waiver.

## Resident Tuition

Under state law ([RCW 28B.15.012](#)), current military service members, former military service members, and their spouses and dependents may be eligible for resident tuition rates at public colleges and universities, provided they meet the conditions under the appropriate category.



Hats fly into the air during the 2018 graduation and commissioning ceremony at Memorial Stadium in Annapolis

### **Servicemembers**

To qualify for resident tuition, the student must:

- Be on active military duty stationed in the state or a member of the Washington National Guard; or
- Be on active military duty or a member of the National Guard stationed in another state, but have entered service as a Washington resident and maintain the state as a domicile.

### **Former Servicemembers**

To qualify for resident tuition, the student must:

- Have separated from the military with more than 90 days of honorable active duty service;
- Be eligible for federal veteran educational assistance benefits; and
- Enter an accredited college or university within three years from separating from the military.

### **Spouses and Dependents**

To qualify for resident tuition, the student must:

- Be the spouse or dependent of an active military service member or National Guard member stationed in another state, but who entered service as a resident of Washington and maintains it as a domicile.
- Be a spouse, former spouse, or child entitled to transferred federal veteran educational assistance benefits;
- Live in the state and be the spouse or dependent of a Washington National Guard member;
- Be the spouse or dependent of a former service member who has entered an institution of higher education in Washington and qualifies for resident tuition; or
- Be entitled to veteran educational assistance benefits based on the student's relationship with a service member who died in the line of duty.

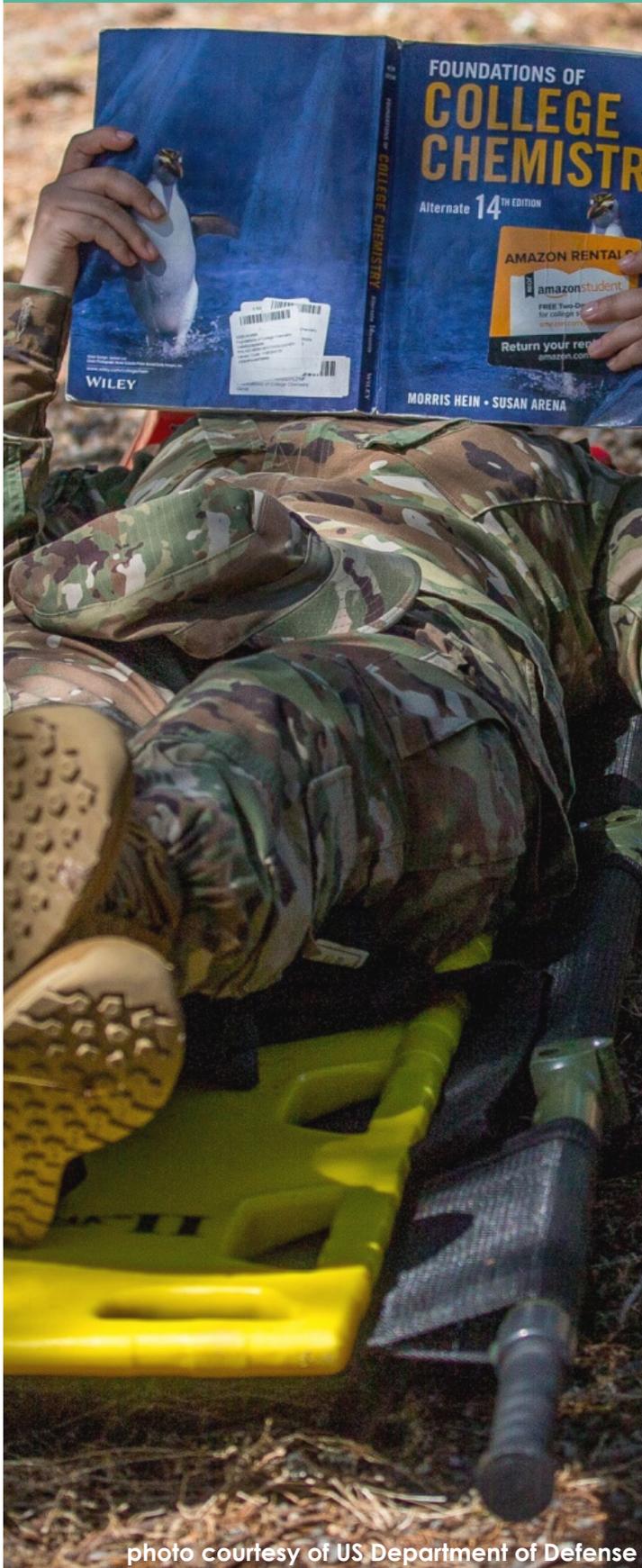


photo courtesy of US Department of Defense

## Rights of Military Students

Under state law ([RCW 28B.10.270](#)), a service member in the National Guard or any other military reserve component who is a student at an institution of higher education and who is ordered to active duty for more than 30 days has the right to:

- Withdraw, without negative annotation on his or her record, from one or more courses for which tuition and fees have been paid, and have such tuition and fees credited to the student's account;
- Be given a grade of incomplete and be allowed to complete the course upon release from active duty; or
- Continue and complete the course for full credit, with absences due to military service counted as excused and not used to adversely impact the student's grade or class standing.

A service member in the National Guard or any other military reserve component who is a student at an institution of higher education, and who is ordered to active duty for 30 days or less is entitled to make up any class, test, examination, laboratory, or other event upon which a course grade or evaluation is based. The makeup opportunity must be scheduled after the service member's return from service and after a reasonable time to allow the student to prepare.

Under state law ([RCW 28B.15.624](#)), if the institution offers early registration for any other segment of the student population, a student who is a veteran, a National Guard member, or a spouse receiving veteran education benefits must be allowed to also register for their courses early.

## Federal Education Benefits

The federal government offers education benefits to qualifying veterans, military service members, and their dependents. Examples are GI Bill assistance and Vocational Rehabilitation and Employment services.

The Washington State Department of Veterans Affairs can help you access these education benefits, and you can contact the department for benefit claims assistance by calling 1-800-562-2308 or emailing [benefits@dva.wa.gov](mailto:benefits@dva.wa.gov).

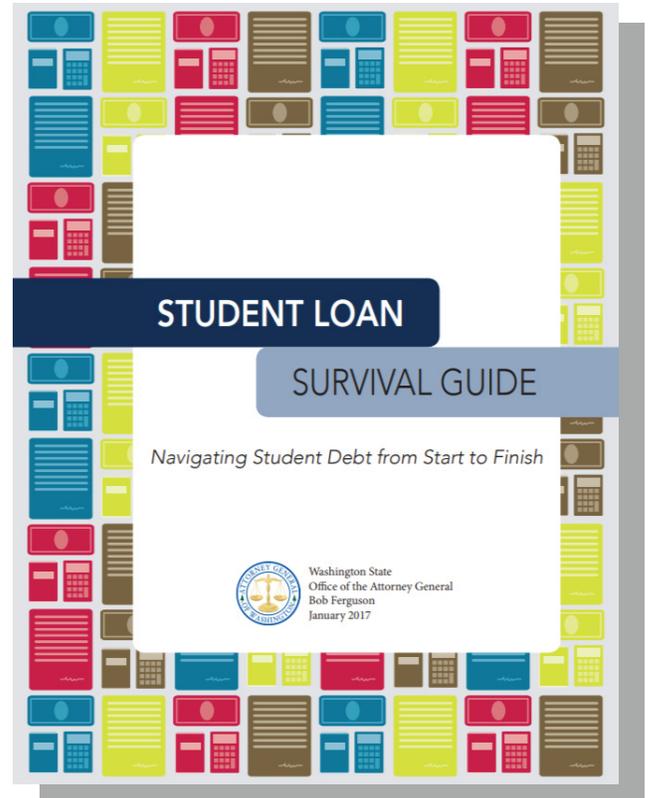
## Student Loans

Although military service members and veterans can earn specific benefits to help pay education costs, those benefits may not always be enough. Many service members rely on student loans to supplement their education benefits. To help residents understand and navigate student loan borrowing and repayment options, the Attorney General's Office created a "Student Loan Survival Guide," which is available online at [www.atg.wa.gov/studentloanresources](http://www.atg.wa.gov/studentloanresources).

## Military Kids

There are provisions under Washington State law designed to make it easier for children of military families to access the same opportunities for educational success as other children, and not be penalized or delayed in achieving their educational goals because of circumstances resulting from one or both parents being in the military.

Visit [www.k12.wa.us/student-success/access-opportunity-education/military-kids](http://www.k12.wa.us/student-success/access-opportunity-education/military-kids) for additional information.





# HOUSING

## Overview

Military families often face frequent or unexpected moves, and issues related to housing can pose significant legal challenges for military service members and veterans. Regrettably, veterans continue to be overrepresented among our nation's homeless population. This chapter highlights some of the protections and programs available to military service members and veterans experiencing issues related to housing.

## For Renters

### Eviction Protections

The federal Servicemembers Civil Relief Act (SCRA) protects active duty service members and their dependents from being evicted without a court order. To qualify for this protection:

- The home must be occupied or intended as a primary residence;
- The monthly rent must be below the current rent ceiling (\$3,991.90 in 2020; adjusted annually).

If an eviction action is filed, the SCRA provides that a court may temporarily stay the proceedings or adjust the amount of your financial obligation if the military service member (or dependent) can show that their military service has affected the ability to pay rent.

Active duty military services members wanting more



**U.S. Marines assist with the construction of temporary housing in Guatemala after the eruption of Volcan de Fuego in June 2018**

information should contact the nearest Armed Forces Legal Assistance office. The appendix includes information for contacting the legal assistance offices located in Washington.

### **Residential Lease Termination**

The federal SCRA allows active duty service members to terminate a residential lease in the following circumstances:

- If the lease was entered into prior to active duty, when the service member is called to active duty for 180 days or more; or
- If the lease was entered into during active duty, when the service member receives orders for a Permanent Change of Station or to deploy with a military unit for more than 90 days.

To cancel a lease under the SCRA, a service member must deliver written notice to the landlord with a copy of the

military orders. The effective date of termination is 30 days after the first date on which the next rental payment is due.

### **Residential Landlord-Tenant Act**

The Washington Residential Landlord-Tenant Act (RLTA) covers circumstances where a tenant rents an apartment or house, and outlines many of the rights and responsibilities of both tenants and landlords. The Attorney General's Office does not have a role in enforcing provisions of the RLTA as a result of State Supreme Court precedent.

Nonetheless, to help inform individuals about the law and their rights, the Attorney General's Office provides information and resources about landlord-tenant issues at [www.atg.wa.gov/landlord-tenant](http://www.atg.wa.gov/landlord-tenant).

Under State law, month-to-month rentals may normally

# Housing

be terminated by either a tenant or the landlord upon delivery of written notice at least 20 days before the end of the monthly rental period. Military service members, however, may terminate a month-to-month rental with less than 20 days' written notice if the service member receives permanent change of station or deployment orders that do not allow for a 20 day notice. ([RCW 59.18.200](#))

For rentals for a specified term, state law provides that any tenant who is a military service member may terminate the lease early if the tenant receives permanent change of station or deployment orders, and provides written notice of at least 20 days to the landlord along with a copy of their military orders. ([RCW 59.18.220](#))

State law affords military renters an option for terminating a lease with less notice than contemplated under the federal SCRA. A sample lease termination letter invoking RLTA termination provisions for military service members is included in the appendix to this guide.

## Manufactured/Mobile Homes

The Attorney General's Office is responsible for administering the Manufactured Housing Dispute Resolution Program, which can help resolve disputes and alleged violations of the Manufactured/Mobile Home Landlord-Tenant Act (MHLTA).

An individual is eligible to participate in the dispute resolution program if he or she owns a manufactured or mobile home and rents a lot for that home in a community or park.

Under the Manufactured Housing Dispute Resolution Program, manufactured/mobile home owners who are current on their rent or landlords may file a request for dispute resolution if they believe that there may be a violation of their rights under the MHLTA. The Attorney General's Office may work with the parties, determine whether further investigation is needed, decide if a violation has occurred, and issue fines and other penalties when appropriate.

In general, the MHLTA requires 30 days' written notice prior to the expiration of the rental agreement for termination. However, Washington law provides that any

tenant of a lot who is a military service member may terminate the lease early if the tenant receives permanent change of station or deployment orders that do not allow for greater notice, and provides written notice of the termination and a copy of their military orders ([RCW 59.20.090](#)).

More information is available by calling the program toll-free at 1-866-924-6458 or by visiting [www.atg.wa.gov/manufactured-housing-dispute-resolution-program](http://www.atg.wa.gov/manufactured-housing-dispute-resolution-program).

## For Homeowners

### SCRA Protections

If a service member obtained a mortgage prior to active duty, the federal SCRA requires that a mortgage lender must obtain a court order before the home can be foreclosed on during any period of military service and for one year thereafter. If a lender seeks such an order, the court may temporarily stay the proceedings or adjust the amount of the service member's obligation when it can be shown that military service impacted the service member's ability to meet the financial obligation. Active duty military service members can seek assistance from the nearest Armed Forces Legal Assistance office or file a consumer complaint with the Attorney General's Office.

### Down Payment Assistance

Veterans looking to purchase a home may be able to take advantage of the Veterans Down Payment Assistance Loan Program available from the Washington State Housing Finance Commission. For more information visit [www.wshfc.org/buyers/keyveterans.htm](http://www.wshfc.org/buyers/keyveterans.htm).

## Homeless Veterans

The U.S. Department of Housing and Urban Development (HUD) offers vouchers for housing, called HUD-VASH (Veterans Affairs Supportive Housing), to veterans facing homelessness. Any federal Department of Veterans Affairs (VA) Medical Center should be able to screen for eligibility and refer a veteran to the program. The VA will connect the veteran to the appropriate case management support for assistance in finding the veteran

decent, safe, and sanitary housing. For more information, see [www.hudexchange.info/programs/hud-vash](http://www.hudexchange.info/programs/hud-vash).

Under [RCW 59.18.255](#), property managers and landlords may not discriminate against veterans who are otherwise eligible tenants by refusing to accept HUD-VASH vouchers.

## Housing Discrimination

For both rental contracts and real estate transactions, state law prohibits housing discrimination based on honorably discharged veteran or military status. The Washington State Human Rights Commission enforces the state's law against discrimination. Complaints must be filed within 12 months of when the discrimination occurred. You are encouraged to file a complaint with the Human Rights Commission if you believe that:

- You have been discriminated against or otherwise denied equal treatment or access; and
- The discrimination was because of your military status or status as an honorably discharged veteran.

For more information on how to handle discrimination in housing matters, visit [www.hum.wa.gov/fair-housing](http://www.hum.wa.gov/fair-housing).

## Property Tax Relief

### For Disabled Veterans

Under [RCW 84.36.381](#), veterans with at least a combined 80% service-connected evaluation rating or a total disability rating from the federal VA may qualify for a property tax exemption. In addition to a qualifying VA rating, the veteran must own and occupy the residence, and meet income threshold requirements. A qualifying applicant can receive a reduction in the amount of property taxes due. The amount of the reduction is based on the applicant's income, the value of the residence, and the local levy rates.

### For Surviving Spouses

Under state law ([RCW 84.39](#)), surviving spouses of certain veterans may qualify for a property tax assistance grant program. Household income, age or disability, and the deceased spouse's veteran status determine eligibility for the program.

For more information about these and other property tax relief programs, contact your county assessor's office or visit the state Department of Revenue's website at [www.dor.wa.gov/find-taxes-rates/property-tax/property-tax-exemptions-and-deferrals](http://www.dor.wa.gov/find-taxes-rates/property-tax/property-tax-exemptions-and-deferrals).





# FAMILY LAW

## Overview

Military life can be highly demanding, not just on individual service members, but also on their families. Frequent moves to different duty stations or long deployments sometimes make it even more difficult for families. Unresolved family issues can quickly turn into legal issues, such as child custody determinations or divorce. There are specific legal provisions addressing some of the unique circumstances of military and veteran families.

## Child Custody/Visitation & Parenting Plans

In recognition of the realities of military life, state law ([RCW 26.09.010](#)) allows a parent who serves in the military and who is a party to a child custody or visitation matter, to request:

- An expedited hearing; or
- Electronic testimony and presentation of evidence by telephone, teleconference, or over the internet.

Courts generally require the requesting party to show good cause and that the military service has or will have a material effect on the parent's ability to appear in person at a regularly scheduled hearing.



A child watches on at a 2017 Veterans Day parade in Auburn

In some instances, a military parent may receive orders that involve moving a substantial distance away or which may otherwise have a material effect on that parent's ability to exercise residential time or visitation rights. In such circumstances, the military parent may ask the court to delegate his or her residential time or visitation rights to a family member with a close and substantial relationship to the minor child for the duration of the military parent's absence, if doing so is in the child's best interest.

Under Washington law ([RCW 26.09.260](#)), the effect of a parent's military duties potentially impacting parenting functions is not, by itself, a substantial change of circumstances for the purposes of modifying a parenting plan. In addition, the court may not look unfavorably on any time periods during which the parent did not exercise residential time as a result of that parent's military duties.

## Child Support

To make sure children's needs are met, Washington established a child support schedule that courts use to set child support payments. Payment amounts are based on total income of both parents and several other factors. Informational and self-help resources for parents facing child support issues are available at [www.WashingtonLawHelp.org/issues/family-law](http://www.WashingtonLawHelp.org/issues/family-law).

State law ([RCW 26.18.190](#)) ensures that when a veteran's federal VA benefits are apportioned to pay child support, that the amount paid via apportionment will be treated for all purposes as if the veteran paid the benefits toward the satisfaction of the child support obligation.

The appendix includes an informational sheet addressing some common questions about VA benefits and child support, and the interplay between state and federal laws.



# HEALTH CARE

## Overview

Accessible health care is essential for anyone’s quality of life, especially those living with ongoing health issues or disabilities. This chapter provides information about health care resources available to qualifying military service members and veterans.

## VA Medical Facilities

To support the health care needs of veterans, the federal Veterans Health Administration oversees the largest integrated health care system in the country. There are several VA hospitals and clinics in Washington. To learn more about VA health services and benefits or to determine eligibility call 1-877-222-VETS (8387) or visit [www.va.gov/healthbenefits](http://www.va.gov/healthbenefits).

## Mental Health Services

The Washington State Department of Veterans Affairs (WDVA) offers counseling services to Washington’s veterans and family members. Services are available for Post-Traumatic Stress Disorder, readjustment, military sexual trauma, suicidal ideation, and other mental health needs. More information about these services is available at [www.dva.wa.gov/benefits/counseling](http://www.dva.wa.gov/benefits/counseling).



An Army Reserve combat medic watches as paratroopers conduct airborne operations training

## Veterans Homes

Washington State has four Veterans Homes, which are Medicaid and Medicare certified facilities. To be eligible for admission, applicants must:

- Have served at any time, in any branch of the U.S. Armed Forces, including the National Guard;
- Have received an honorable discharge;
- Reside in Washington State;
- Be the spouse of a resident or widow of an eligible veteran; or
- Be a Gold Star Parent of a child who died while in service to his or her country, or as a result of his or her service.

Washington's Veterans Homes provide 24-hour nursing care, medical care, pharmacy services, and other supportive programs, such as physical therapy and hospice.

More information is available at [www.dva.wa.gov/veteran-homes/veterans-homes](http://www.dva.wa.gov/veteran-homes/veterans-homes).

## Traumatic Brain Injury

Military service members and veterans who served during the conflicts in Iraq and Afghanistan have higher rates of Traumatic Brain Injuries (TBIs), which can affect a wide range of functional abilities including thinking, sensation, language, and emotions. WDVA offers a program to address the unique needs of veterans who have experienced a TBI. For more information visit [www.dva.wa.gov/benefits/traumatic-brain-injury-tbi](http://www.dva.wa.gov/benefits/traumatic-brain-injury-tbi).



# DISABILITY

## Overview

The unfortunate reality is that military service members sometimes incur or aggravate existing injuries or disabilities during service. A disability can be physical, such as a back injury or chronic knee pain, or the disability can relate to an individual's mental health. Under both federal and state law, veterans and service members with disabilities have access to a range of support and accommodation, some of which are highlighted in this chapter.

## Disability Compensation

The U.S. Department of Veterans Affairs (VA) offers disability compensation to eligible veterans for injuries or diseases incurred or aggravated during service. Veterans seeking assistance with pursuing disability compensation can contact the Washington State Department of Veterans Affairs. The department's Veterans Service Offices and statewide referral service are staffed with qualified service officers who can assist veterans and family members in accessing VA disability compensation benefits. More information is available at [www.dva.wa.gov/benefits/claims-assistance](http://www.dva.wa.gov/benefits/claims-assistance).

You can contact the state department for assistance with disability compensation claims by calling 1-800-562-2308 or emailing [benefits@dva.wa.gov](mailto:benefits@dva.wa.gov).



Service dog at work at the Washington State Department of Veterans Affairs 2016 Service Dog Conference in Fife

## Service Animals

Under both state and federal law ([RCW 49.60.215](#) and the Americans with Disabilities Act), individuals with disabilities are allowed to bring service animals into places of public accommodation, like businesses, government offices, and other areas open to the general public.

The law defines a service animal as a dog that is individually trained to perform a task related to the disability benefitting from such task. There is no requirement for service animals to wear harnesses or have any kind of certification, but they must not cause a disturbance.

Understanding the law is critical because violating the rights of a service animal handler or purposefully misrepresenting an animal as a service animal can potentially result in legal consequences.

To help service animal handlers and businesses understand their respective rights and responsibilities under the law, the Attorney General's Office released an informational sheet that is available online at [www.atg.wa.gov/publications](http://www.atg.wa.gov/publications) (under "Civil Rights").

## Adapted Housing

VA provides grants to military service members and veterans with certain permanent and total service-connected disabilities to help purchase or construct an adapted home, or modify an existing home to accommodate a disability. Two grant programs exist: the Specially Adapted Housing (SAH) grant and the Special Housing Adaptation (SHA) grant. You can learn more about these grants by visiting [www.benefits.va.gov/homeloans/adaptedhousing.asp](http://www.benefits.va.gov/homeloans/adaptedhousing.asp).



# OTHER ISSUES

## Overview

The information provided in this chapter addresses other provisions in the law and matters pertinent to military service members and veterans that do not fit neatly into the topics already covered in this guide, but which are nonetheless important.

## WA Law Against Discrimination

Under the Washington Law Against Discrimination ([RCW 49.60](#)), it is illegal to discriminate on the basis of “honorably discharged veteran or military status.” The law applies to any individual who served in any branch of the Armed Forces, including the National Guard and Reserves, fulfilled his or her service obligations, and received an honorable discharge or a discharge for medical reasons with an honorable record. It also includes current active or reserve members in any branch of the Armed Forces, or a National Guard member.

The law prohibits discriminatory practices in the areas of:

- Employment;
- Places of public resort, accommodation, or amusement;
- Housing and real estate transactions; and
- Credit and insurance transactions.



photo courtesy of US Department of Defense

**Coast Guardsmen carry a U.S. flag during the 2017 Seafair Torchlight Parade in Seattle**

The Washington Human Rights Commission enforces the Law Against Discrimination. You are encouraged to file a complaint with the Human Rights Commission if you believe that:

- You have been discriminated against or otherwise denied equal treatment or access;
- The discrimination was because of your military status or status as an honorably discharged veteran; and
- The discrimination occurred in one of the covered areas.

Complaints must be filed within six months of the time when the discrimination occurred (or 12 months if the complaint is about housing).

The Human Rights Commission can be contacted at 1-800-233-3247 or online at [www.hum.wa.gov](http://www.hum.wa.gov).

An employer who discharges, expels, or otherwise discriminates against a person for filing a charge with the Human Rights Commission is engaging in an unfair practice. Concerns about retaliation for filing a complaint should also be reported.

## Discharge Upgrades

When a military service member is discharged from a branch of the Armed Forces, he or she receives a certificate of release that specifies a reason for discharge and a characterization of service. Many of the benefits discussed in this guide require a qualifying characterization of service for eligibility. Those benefits include VA healthcare and some state benefits.

Former military service members may apply to their branch of military service to change their discharge

## Other Provisions

information. Through this process, veterans can seek to upgrade the characterization of service and/or reason for separation, which, if successful, may result in eligibility for benefits. For example, many Vietnam era veterans were discharged based on actions or behaviors that might now be characterized as indicative of PTSD, but less was known at the time about the psychological effects of high-stress combat situations. To address such circumstances, the Department of Defense issued guidance on discharge upgrades in circumstances where PTSD may have been overlooked.

If you believe you received an improper or unfair military discharge or characterization of service that warrants an upgrade, you may be able to request a review and seek one. Individuals can contact the Attorney General's Office of Military and Veteran Legal Assistance at 206-464-6431 for more information about the process and standards of review for discharge upgrades.

## County Veterans' Assistance Funds

Under state law ([RCW 73.08.010](#)), each county in Washington State is required to establish a fund to help veterans and their families in financial need. The fund, often referred to as the Veterans' Assistance Fund or Veterans' Relief Fund, is generally used to help veterans with financial hardships address emergent needs, such as help with utility bills and rent, and food assistance.

The fund is administered at the local level, which means the type of assistance available and the process for seeking assistance varies from county to county. The Washington State Department of Veterans Affairs maintains a contact list for the administrator of each county's Veterans' Assistance Fund at [www.dva.wa.gov/benefits/county-services](http://www.dva.wa.gov/benefits/county-services).



photo courtesy of US Department of Defense

## Estate Management

The Washington State Department of Veterans Affairs offers a Veterans Estate Management Program that offers protective payee services for veterans and family members who are incapable of managing their own financial affairs. By assuming custody of the individual's finances, the program helps ensure basic needs such as housing, food, clothing, and medical care are provided. For more information you can call the department at 1-800-562-2308 or visit [www.dva.wa.gov/program/veterans-estate-management-program](http://www.dva.wa.gov/program/veterans-estate-management-program).

## Veteran-Owned Businesses

Washington State law ([RCW 43.60A.200](http://www.wa.gov/RCW/43.60A.200)) encourages state agencies to award 3% of all contracts exempt from competitive bidding requirements to certified veteran-owned businesses. The Washington State Department of Veterans Affairs manages the certification process and maintains a registry of service member and veteran-owned businesses. More information is available at [www.dva.wa.gov/program/veteran-owned-business-certification](http://www.dva.wa.gov/program/veteran-owned-business-certification).

## Special License Plates

In recognition of their service, veterans with a 100% service-connected disability, former prisoners of war, Gold Star family members, and Congressional Medal of Honor recipients may be eligible for exemption from certain vehicle license fees. Some individuals may also be eligible to receive special plates that do not have to be renewed.

In addition, the Washington State Department of Licensing issues special veteran and military license plates along with service award plates, such as the Purple Heart. For plates where an additional fee is applicable, a portion of the fee for these specialty plates is allocated to activities that benefit veterans, such as maintaining the state veterans' cemetery and providing programs and services for homeless veterans.

More information about free disabled veteran license plates and special license plates is available from the Washington State Department of Veterans Affairs at [www.dva.wa.gov/program/license-plates](http://www.dva.wa.gov/program/license-plates).

## Driver Licenses & ID Cards

### For Veterans

Veterans who wish to can get a veteran designation on their Washington State driver license or ID card. Adding the designation is free, but there may still be charges if you are adding other endorsements, updating information, or renewing your license.

To obtain a veteran designation, you will need to provide a copy of your DD Form 214 or an equivalent document that shows you have a discharge status of "honorable" or "general under honorable conditions."

### For Military Service Members

Under state law, the driver licenses of active duty military service members and their spouses are valid during the term of military active duty service. Drivers in the military (and their spouses) can obtain a Department of Licensing (DOL) Authorization card indicating that the driver license is valid for 90 days after separation from the military or the date on the card, whichever is longer.

Especially if the license itself shows an expiration date that has passed, military service members and spouses should carry both their military identification, or military dependent identification, and the DOL Authorization card in case they are stopped by law enforcement.

For more information, visit the Washington State Department of Licensing's website at [www.dol.wa.gov/driverslicense/military.html](http://www.dol.wa.gov/driverslicense/military.html).

### Veteran ID Cards

There are many types of identification cards you can use to show you are a veteran, including, for example, a Department of Defense ID Card, a Veteran Health ID Card, or a Veteran Choice Card. The different cards allow veterans access to different services.

More information about the types of cards, and the eligibility and application process is available online at [www.va.gov/records/get-veteran-id-cards](http://www.va.gov/records/get-veteran-id-cards).



# APPENDIX

## Overview

The resources in this appendix are intended to give military service members and veterans tools they can use to be proactive about taking full advantage of the benefits and protections afforded to them under the various state and federal laws discussed in the guide.

## Contents of Appendix

Below is a list of the contents of this appendix, which correspond to and are organized in accordance with the chapters of this guide.

### **Legal Assistance (pages 45-47):**

A list of civil legal assistance programs and legal information resources focusing on military service members and veterans, including information on how to connect to services from providers. There is also a template letter for requesting a stay of proceedings pursuant to the SCRA.

### **Consumer Protection (pages 48-50):**

Self-help template letters military personnel can use to exercise their rights under the federal Servicemembers



**Sailors from Naval Base Kitsap assist in transporting a tribal canoe in Kingston**

Civil Relief Act and state law. Specifically, the template letters address:

- 6% interest rate cap;
- Automobile lease termination; and
- Service contract termination.

### **Employment (page 51):**

An informational tool for members of the National Guard to remind themselves and their civilian employers about their respective rights and obligations when they are called to state active duty or need to report to training.

### **Housing (page 52):**

A template letter for providing written notice to landlords about a military service member's lease termination pursuant to the Washington State Residential-Landlord Tenant Act.

### **Family Law (pages 53-54):**

A frequently-asked-questions information sheet addressing federal VA benefits and child support, and the interplay between federal and state law.

### **Military Spouses (page 55):**

An information sheet designed to increase awareness among military spouses about Washington State benefits and resources available to them.

### **Other Resources (pages 56-57):**

Contact information for a few of the many agencies and organizations that help serve Washington State's veterans and military personnel is provided for convenience; inclusion is not equivalent to endorsement.

## Appendix: Legal Assistance

### Veteran & Military Legal Assistance Programs

<p>WA Attorney General's Office of Military &amp; Veteran Legal Assistance <a href="http://www.atg.wa.gov/legal-assistance-veterans-military-personnel">www.atg.wa.gov/legal-assistance-veterans-military-personnel</a> To seek help: Complete the "Request Civil Legal Assistance" form online at the link above.</p>	<p>Through periodic legal clinic events and the M.E.D.A.L. Program, and based on volunteer availability, the Attorney General's Office of Military and Veteran Legal Assistance can connect qualifying military service members and veterans to volunteer attorneys willing to help with select civil legal issues.</p>
<p>Armed Forces Legal Assistance Program <a href="http://legalassistance.law.af.mil">http://legalassistance.law.af.mil</a> To seek help: Use the link above to locate the nearest legal assistance office and its contact information.</p>	<p>For military personnel and their families, the Armed Forces Legal Assistance Program serves as a source of legal information, including free legal services and attorney advice. Each branch of the Armed Forces has specific regulations explaining the legal services they provide. Specific services may vary by installation based on available resources and expertise of the legal assistance attorneys.</p>
<p>Northwest Justice Project — Veterans Project <a href="http://www.nwjustice.org/veterans-project">www.nwjustice.org/veterans-project</a> For help in King County, contact the King County Veterans Program (info here: <a href="http://www.kingcounty.gov/veterans">www.kingcounty.gov/veterans</a>). For help outside of King County, call the CLEAR line at 1-888-201-1014.</p>	<p>Northwest Justice Project (NJP), a statewide legal aid program, provides free legal assistance and representation to financially eligible individuals facing certain civil legal problems. NJP serves veterans across all its programs, and offers enhanced services for veterans in King, Pierce, and Kitsap counties.</p>
<p>National Veterans Legal Services Program <a href="http://www.nvlsp.org">www.nvlsp.org</a> To seek help: Complete the online application for assistance available at <a href="http://www.nvlsp.org/what-we-do/lawyers-serving-warriors">www.nvlsp.org/what-we-do/lawyers-serving-warriors</a>.</p>	<p>The National Veterans Legal Services Program (NVLSP) offers pro bono legal help to veterans with proceedings before military administrative discharge boards, military medical and physical disability evaluation boards, military discharge review agencies, VA regional offices, the Board of Veterans' Appeals, and the courts that review the decisions of these agencies.</p>
<p>Washington State Veterans Bar Association <a href="http://www.wsvba.org">www.wsvba.org</a> To seek help: Contact the WSVBA online at <a href="http://www.wsbva.org/contact-us">www.wsbva.org/contact-us</a>.</p>	<p>The Washington State Veterans Bar Association (WSVBA) is a professional association of attorneys and law students who are veterans, and advocates for the legal needs and interests of Washington veterans.</p>
<p>The Veterans Consortium Pro Bono Program <a href="http://www.vetsprobono.org">www.vetsprobono.org</a> Instructions for applying for services is available online at <a href="http://www.vetsprobono.org/apply">www.vetsprobono.org/apply</a>.</p>	<p>The Veterans Consortium Pro Bono Program provides free legal representation to eligible unrepresented veterans on their appeals to the U.S. Court of Appeals for Veterans Claims, and also offers assistance with discharge upgrades.</p>

## Veteran & Military Legal Assistance Programs (continued)

### Tacomaprobono

[www.tacomaprobono.org/c2d.html](http://www.tacomaprobono.org/c2d.html)

To seek help:

Call 253-572-5134 or email

[vls@tacomaprobono.org](mailto:vls@tacomaprobono.org)

Tacomaprobono is a program of the Tacoma-Pierce County Bar Association and offers help to veterans, active military service members, and their families at the following regular legal clinics:

- Disabled Veterans Clinic at American Lake: For residents at the American Lake Domiciliary.
- Veteran/Military Legal Clinic: Open to all military service members, veterans, and their families for help on a variety of civil legal issues.

## Veteran & Military Legal Information Resources

### WashingtonLawHelp.org

[www.washingtonlawhelp.org/issues/veterans-military](http://www.washingtonlawhelp.org/issues/veterans-military)

WashingtonLawHelp.org is an online guide providing basic information on a number of legal issues, including information specific to military service members and veterans. In some cases, it also offers detailed instructions and forms to help Washington residents represent themselves in court.

### Stateside Legal

[www.statesidelegal.org](http://www.statesidelegal.org)

Stateside Legal provides legal information, including interactive forms and videos, and self-help tools for service members, veterans, and their families.

### Home Front

(American Bar Association)

[https://www.americanbar.org/groups/legal\\_services/milvets/aba\\_home\\_front/](https://www.americanbar.org/groups/legal_services/milvets/aba_home_front/)

The American Bar Association's Home Front is an online resource to help military service members, veterans, and their families find information about a variety of legal issues. It also features a national directory of resources and programs for military families.

### Swords to Plowshares

[www.swords-to-plowshares.org/guides](http://www.swords-to-plowshares.org/guides)

Swords to Plowshares is a California-based nonprofit focused on serving veterans that publishes self-help guides on a number of legal issues.

### Legal Aid Checkup for Military and Veteran Families

<https://lawhelpinteractive.org/Interview/GenerateInterview/2971/engine>

Hosted by LawHelp Interactive, this checkup tool provides information and referrals on legal topics important to military service members, veterans, and their families.

### Service Members Law Center

[www.roa.org/page/lawcenter](http://www.roa.org/page/lawcenter)

Hosted by the Reserve Organization of America, the Service Members Law Center provides resources, links and information on the laws governing the relationship between service members in the Reserve components and their civilian employers.

### SCRA Stay Request Letter

[Name and Address of Service Member]

[Date]

[Name and Address of Court/Adjudicating Agency]

Re: Request for Stay of Proceedings Pursuant to SCRA

Dear Sir/Ma'am:

I am a military service member and am writing to exercise my rights under the federal Servicemembers Civil Relief Act (SCRA) to stay the proceedings in the following matter:

[Case/matter name; Case/matter #].

I believe under 50 U.S.C. § 3932 that I am entitled to a stay of the proceedings.

My military service materially affects my ability to appear and address this matter in the following ways:

[Explanation of how military duties affects ability to appear].

I need to be personally present to address this matter. Currently, I expect to be available to appear on or after [Time when service member can appear].

I requested leave in order to attend to this matter, and my request was denied by my commander. As required, a letter from my commanding officer confirming my unavailability is enclosed.

Thank you in advance for your understanding in this matter.

Sincerely,

[Signature]

[Printed Name of Service Member]

Enclosure:

Letter from Commanding Officer

## 6% Interest Rate Cap Request Letter

[Name and Address of Service Member]

[Date]

[Name and Address of Creditor]

Re: SCRA Interest Rate Reduction for Acct # [fill in account number]

Dear Sir/Ma'am:

I have been placed on active duty with the Armed Forces of the United States effective [fill in date placed on active duty] and I am requesting that my monthly obligation, including payments and interest on my account, be reduced pursuant to my rights under the Servicemembers Civil Relief Act (SCRA), 50 U.S.C. §3901 et seq.

My military service materially affects my ability to meet this obligation, which I incurred prior to active duty. I have attached a copy of my military orders for your file.

The SCRA (50 U.S.C. §3937) sets a 6% per annum ceiling on interest charges (including service charges, renewal charges, and fees) during the period of a service member's military service for obligations made before the entry into active duty when the active duty materially affects the ability to pay. Thus, under the law, the balance of my obligation may not have interest charged at a rate greater than 6% per annum and any interest above 6% must be forgiven and not accrued. Note that compliance with this law is mandatory upon the creditor once the service member makes a request. Failure to comply with such a request can subject the creditor to damages and penalties.

Please ensure that your records are amended to reflect that my obligation has been reduced to no more than the statutory maximum rate of 6% and that any charge in excess is withdrawn. Finally, please be advised that you may not repossess for non-payment of an installment obligation without first complying with the provisions of the SCRA.

Thank you in advance for your attention and prompt action to this matter. Should there be any questions, please feel free to contact me at [your phone number or the number of someone holding a power of attorney to handle this matter].

Sincerely,

[Signature]

[Printed Name of Service Member]

Enclosure:  
Military Orders

## Appendix: Consumer Protection

### Automobile Lease Termination Letter

[Name and Address of Service Member]

[Date]

[Name and Address of Lessor]

Re: SCRA Lease Cancellation for Vehicle VIN # [fill in VIN of vehicle]

Dear Sir/Ma'am:

I have been placed on active duty with the Armed Forces of the United States effective [fill in date placed on active duty]. I am the lessee of a [fill in year, make, model] with the VIN # [VIN of leased vehicle] and I am invoking my rights under the Servicemembers Civil Relief Act (SCRA), 50 U.S.C. § 3901 et seq.

My deployment materially affects my ability to pay for and my need for the vehicle.

The SCRA (50 U.S.C. §3955) allows a military service member to terminate a vehicle lease if the service member receives deployment orders for greater than 180 days. In this case, I will be deployed to [location of deployment] for at least [number of days ordered to deployment]. I have attached a copy of my military orders for your file.

In accordance with the SCRA, I have mailed this notice via certified mail, return receipt requested, and I have already left the vehicle with [name of lessor]. The representative I have been working with is [Mr. / Mrs. Name of contact person], and [he/she] may be reached at [phone number for contact person]. Therefore, the effective date of the lease termination is the postmark date of this letter.

Thank you in advance for your cooperation in this matter. Should there be any questions, please feel free to contact me at [your phone number or the number of someone holding a power of attorney to handle this matter].

Sincerely,

[Signature]

[Printed Name of Service Member]

Enclosures:

Military Orders

Lease Contract

## Service Contract Termination/Suspension Letter

[Name and Address of Service Member]

[Date]

[Name and Address of Service Provider]

Re: Service Contract [Termination / Suspension] under RCW 38.42.160

Dear Sir/Ma'am:

I am a military service member and have received orders for a permanent change of station or to deploy with or in support of a military operation for at least 30 days. I have an existing contract with you for **[choose type of services: telecommunications services / internet services / health studio services / subscription television services]**. My customer and/or account number is **[customer/account number]**. I have attached a copy of my military orders for your file.

Pursuant to RCW 38.42.160, which permits military service members to terminate or suspend certain services without penalty, fee, loss of deposit, or other additional costs, I am writing to request that you **[terminate / suspend]** my contract.

I have mailed this notice via certified mail, return receipt requested, and state law provides that the effective date of a termination or suspension under RCW 38.42.160 is the date notice is given. Therefore, the effective date of the contract **[termination / suspension]** is the postmark date of this letter. I am not liable for payment for any services after the **[termination / suspension]** is effective.

Thank you in advance for your cooperation in this matter. Should there be any questions, please feel free to contact me at **[your phone number or the number of someone holding a power of attorney to handle this matter]**.

Sincerely,

**[Signature]**

**[Printed Name of Service Member]**

Enclosure:  
Military Orders

## National Guard State Active Duty Employment Rights: Info Sheet



# Washington State Employment & Reemployment Rights for Uniformed Service Members

Federal and state laws protect the civilian employment rights of military personnel, including members of the National Guard and Reserve. This information sheet provides an overview of the rights and the responsibilities of employers and employees under state law.

### *Applicable Laws*

State law (Chapter 73.16 RCW) protects the employment rights of individuals with military service obligations under state authority\*, such as members of the National Guard ordered to state active duty.

### *Accommodating Military Service*

Under state law, employers must allow employees who are members† of the uniformed services to take unpaid leave as may be necessary for deployment, training, or any other absence due to a military order.

Employees must usually provide advance verbal or written notice of their service. Although there is no minimum period of advance notice, it is a good practice to give as much notice as possible.

Employers are not allowed to require employees to use earned vacation or similar leave for military-related absences. Employers cannot require employees to find their own replacements for military-related absences.

*This information sheet is provided as a resource for general education and is not provided for the purpose of giving legal advice of any kind. The legal rights and responsibilities listed here may or may not apply, depending upon the circumstances. The text of this information sheet was prepared by the Washington State Attorney General's Office in consultation with the Washington Military Department.*

### *Retaliation & Discrimination Prohibited*

Employers may not deny members of the uniformed services any of the following because of their military service:

- Initial employment;
- Retention in employment;
- Reemployment;
- Promotion; or
- Any benefit of employment.

Employers may not use a person's past, present, or future membership in the uniformed services as a motivating factor for an adverse employment action.

Employers may not retaliate against anyone assisting or participating in the enforcement of these rights, even if that person has no service connection.

### *Reemployment Required*

Employers are generally required to reemploy members of the uniformed services following completion of their service obligation, provided that the service member:

- Gave advance verbal or written notice;
- Satisfactorily completed their obligation under honorable conditions; and
- Returns to work or applies for reemployment in a timely manner, which depends upon the nature and length of service.

Employers must reemploy a service member to his or her former position, or a position comparable in seniority, status and pay.

### *Enforcement*

The Washington Attorney General's Office can enforce state law violations after an inquiry has been made by the state's Adjutant General. Visit [www.atg.wa.gov/Veteran-and-Military-Resources](http://www.atg.wa.gov/Veteran-and-Military-Resources) for more information.



\* Federal law protects employment rights of individuals with military service obligations under federal authority. For information and assistance visit [www.doi.gov/vets/programs/lusera](http://www.doi.gov/vets/programs/lusera) or [www.esqr.mil](http://www.esqr.mil)

† The Washington State Military Family Leave Act covers leave allowed an employee whose spouse is a member of the Armed Forces. For information and assistance visit [www.lni.wa.gov/WorkplaceRights/LeaveBenefits/FamilyCare/Military](http://www.lni.wa.gov/WorkplaceRights/LeaveBenefits/FamilyCare/Military).

## Residential Lease Termination Letter

[Name and Address of Service Member]

[Date]

[Name and Address of Property Management Company or Landlord]

Re: Armed Forces Residential Lease Termination Notice

Dear Sir/Ma'am:

I have been placed or am currently on active duty with the Armed Forces of the United States effective **[fill in date placed on active duty]**. I am the lessee of **[address of rental residence]**, and I am invoking my rights as a military service member under the Washington State Residential Landlord-Tenant Act (RLTA), Chapter 59.18 RCW.

My **[permanent change of station/deployment]** begins on **[date]**.

As you no doubt know, the State Legislature amended the RLTA in 2019 to allow a tenant who is a military service member to terminate a residential lease with at least 20 days' written notice when a service member receives permanent change of station or deployment orders. RCW 59.18.220.

I have mailed this notice via certified mail, return receipt requested. I have also enclosed a copy of my military orders or a letter from my commanding officer. Pursuant to the RLTA, the effective date of termination is **[date]**, which is twenty days or more from the date of this notice.

I will **[mail/drop off]** my keys when I have vacated the rental premises. All security deposits and prorated future rents that may have been paid must be returned to me within 21 days of the effective date of termination. Please mail these monies to: **[forwarding address]**.

Thank you in advance for your cooperation in the matter. Should there be any questions, please feel free to contact me at **[your phone number or the number of someone holding a power of attorney to handle this matter]**.

Sincerely,

[Signature]

[Printed Name of Service Member]

Enclosures:

[Military Orders/Letter from Commander]



# FEDERAL VA DISABILITY BENEFITS & FAMILY LAW ISSUES

## Frequently Asked Questions

**The Attorney General's Office of Military and Veteran Legal Assistance is providing this information as general education for volunteer attorneys, and military service members and veterans seeking civil legal resources. Nothing in this information sheet should be interpreted as legal advice or guidance. To understand how the law may apply in specific circumstances, it is recommended you consult with a private attorney.**

### **Can Washington State courts consider federal VA benefits when making decisions in family law cases?**

Yes. It has long been recognized by the U.S. Supreme Court that “[t]he whole subject of the domestic relations of [spouse] and [spouse], parent and child, belongs to the laws of the States.” *In re Burrus*, 136 U.S. 586, 593-94 (1890).

When spouses in Washington divorce, the court considers all their property and divides it in a way that is “just and equitable” based on a number of factors. RCW 26.09.080. In some circumstances, the court may also award spousal support payments.

When determining child support, Washington's courts are directed to consider all income and resources of the parents, and state law specifically requires VA disability compensation and VA pensions be disclosed. The court is allowed to consider VA compensation as income for purposes of calculating child support (except for aid and attendant care or special medical compensation payments). See RCW 26.19.045.

### **But aren't federal VA benefits supposed to not be counted as income?**

VA disability compensation is not considered as income for federal income tax purposes, but it can be counted as income in other contexts, such as for calculating child support obligations or for determining eligibility for certain public benefits.

### **What about the federal law that says creditors can't go after my federal VA benefits? Doesn't that supersede state law?**

Federal law specifically provides that, “Payments of [federal veterans'] benefits due or to become due...shall not be assignable except to the extent specifically authorized by law, and such payments...shall be exempt from claim of creditors, and shall not be liable to attachment, levy, or seizure by or under legal or equitable process whatever, either before or after receipt by the beneficiary...” 38 U.S.C. § 5301.

Under the U.S. Constitution's Supremacy Clause, federal law will preempt state laws governing domestic relations when the state law does “major damage” to “clear and substantial” federal interests.

In the important case of *Rose v. Rose*, 481 U.S. 619 (1987), the U.S. Supreme Court looked at the legislative history and determined that veterans' disability benefits are intended to benefit disabled veterans *and their families*. In support of its conclusion that families were intended as beneficiaries, the Supreme Court noted that additional VA disability compensation is provided for dependents.

In the *Rose v. Rose* case, the Supreme Court ruled that there was no damage to federal interests warranting the preemption of state court jurisdiction to enforce a veteran's support obligation.

### How do courts enforce support payments from my federal VA benefits?

In the *Rose v. Rose* case, the U.S. Supreme Court made it clear that payment enforcement mechanisms otherwise available for ordered support are also applicable to veterans receiving federal VA benefits. The Court ruled that it was unpersuaded that once the funds were delivered to the veteran, that a state court cannot require that veteran to use them to satisfy a support order, even if they were exempt from garnishment or attachment while in the hands of the VA. See *Rose v. Rose*, at 635.

This means that a support order can be used:

- To garnish income other than federal VA benefits, if the veteran has other income (RCW 26.18.055);
- To attach the veterans' bank accounts, suspend a license (46.20.291), or employ any other state court means of collection; or
- To garnish federal VA benefits if the veteran has waived military retirement income to get VA payments (42 U.S.C. § 659).

### Does that mean that federal VA benefits can be divided between spouses in a divorce?

No. The federal Uniformed Services Former Spouses' Protection Act (10 U.S.C. § 1408) exempts VA disability payments from division in a divorce; it is not an asset that can be divided as marital or community property. However, there is no federal law, and the Supreme Court has never held, that VA benefits may not be considered as a factor in dividing other assets and making support determinations.

### Is *Rose v. Rose* still valid law?

Yes. *Rose v. Rose* is still cited as precedent and remains valid law. For example, the U.S. Supreme Court cited the case in 2017. *Howell v. Howell*, 581 U.S. \_\_\_\_ (2017) (holding that a state court can take into account the contingency that a veteran may waive a portion of military retirement pay to receive federal VA benefits, but may not order a veteran to indemnify a divorced spouse for the loss in the divorced spouse's portion of the military retirement pay caused by such waiver.). In 2012, the U.S. Supreme Court declined to review a case where a petitioner challenged the legality of a state court's consideration of federal VA disability compensation when establishing spousal support, effectively upholding the Court's ruling in *Rose v. Rose*. *Barclay v. Barclay*, 133 S. Ct. 176, 184 L. Ed. 2d 235 (2012), cert. denied.

**For military service members and veterans facing family law matters, there are unique legal and financial issues, including, for example, how the courts can consider federal VA benefits and military retirement pay. Individuals are encouraged to consult with an attorney familiar with these issues who can provide legal advice and representation.**

**The Attorney General's Office of Military and Veteran Legal Assistance provides information and assistance in connecting to legal resources:**

**[www.atg.wa.gov/veteranmilitaryresources.aspx](http://www.atg.wa.gov/veteranmilitaryresources.aspx)**



**Washington State Attorney General's Office  
Attn: Office of Military & Veteran Legal Assistance  
800 5th Ave, Suite 2000, TB-14  
Seattle, WA 98104-3188**

## Military Spouses



### Washington State Benefits & Resources for Military Spouses

Deployments or relocations can cause uncertainty and disruption in the lives of military families. These realities can sometimes pose challenges for military spouses as they adapt to a new community, try to find meaningful employment, or potentially deal with a period of single parenthood when their spouse who is serving in the military is away.

Washington State, in collaboration with national and local partners, recently announced the launch of the first statewide *Military Spouse Economic Empowerment Zone*. The collaboration brings government and private sector organizations together to address the challenges faced by military spouses as they search for meaningful career opportunities. More information about Washington's *Military Spouse Economic Empowerment Zone* and the resources available to military spouses is available at [www.hiringourheroes.org/mseez](http://www.hiringourheroes.org/mseez).

To help highlight the ongoing efforts to support military spouses, this information sheet provides an overview of some of the provisions in Washington State's laws benefiting military spouses and links for connecting to additional information.

#### OCCUPATIONAL LICENSES

For some occupations, state law allows military spouses relocating to Washington to bring their occupational licenses to the state and continue to work. Military spouses can contact the licensing authority for their professions for details:

**Education Professions**  
Office of Superintendent of Public Instruction  
360-725-6400  
[www.k12.wa.us/certification](http://www.k12.wa.us/certification)

**Healthcare Professions**  
Washington State Department of Health  
360-236-4700  
[www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate/MilitaryResources](http://www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate/MilitaryResources)

**Other Professions**  
Washington State Department of Licensing  
360-902-3600  
[www.dol.wa.gov/business/militarylicense.html](http://www.dol.wa.gov/business/militarylicense.html)

#### EDUCATION

State law provides education benefits for military spouses, potentially including:

- Tuition and fee waivers at Washington's public universities and colleges for qualifying military spouses in certain circumstances; and
- Resident tuition rates for qualifying military spouses.

More details about these potential benefits and how to qualify are available in the "Education" chapter of the Washington State Attorney General's *Military & Veteran Legal Resource Guide* available online at the link below.  
[www.atg.wa.gov/veteran-and-military-resources](http://www.atg.wa.gov/veteran-and-military-resources)

#### FAMILY LEAVE

To allow military families to spend time together prior or during periods of deployment, state law allows an employee whose spouse is a military service member to take 15 days of leave when the spouse is notified of an impending call to active duty or when the spouse is on leave from an active duty deployment.

The Washington State Department of Labor and Industries has additional details about Washington's Military Family Leave Act, including the qualifying conditions for protection and how to file a protected leave complaint, available online at the link below.  
[www.lni.wa.gov/WorkplaceRights/LeaveBenefits/FamilyCare/Military](http://www.lni.wa.gov/WorkplaceRights/LeaveBenefits/FamilyCare/Military)

## **FEDERAL**

### **U.S. Dept. of Veterans Affairs**

[www.va.gov](http://www.va.gov)

800-827-1000

### **VA Puget Sound Health Care System**

[www.pugetsound.va.gov](http://www.pugetsound.va.gov)

800-329-8387

- Seattle Division: 206-762-1010
- American Lake Division: 253-582-8440

### **Spokane Mann-Grandstaff VA Medical Center**

[www.spokane.va.gov](http://www.spokane.va.gov)

800-325-7940

509-434-7000

### **Portland VA Medical Center (Vancouver area)**

[www.portland.va.gov](http://www.portland.va.gov)

800-949-1004

503-220-8262

### **Jonathan M. Wainwright VA Medical Center (Walla Walla)**

[www.wallawalla.va.gov](http://www.wallawalla.va.gov)

888-687-8863

509-525-5200

### **TRICARE, West Region (includes Washington)**

[www.tricare-west.com](http://www.tricare-west.com)

844-866-WEST (9378)

### **Veterans Crisis Line**

[www.veterancrisisline.net](http://www.veterancrisisline.net)

800-273-TALK (8255) and Press 1

### **Veterans' Employment and Training Service (VETS)**

*U.S. Department of Labor*

[www.dol.gov/vets](http://www.dol.gov/vets)

866-4-USA-DOL (487-2365)

### **Military OneSource**

[www.militaryonesource.mil](http://www.militaryonesource.mil)

800-342-9647

### **Major Military Installations**

- Joint Base Lewis-McChord  
[www.lewis-mcchord.army.mil](http://www.lewis-mcchord.army.mil)
- Naval Base Kitsap  
[www.cnic.navy.mil/kitsap](http://www.cnic.navy.mil/kitsap)
- Fairchild Air Force Base  
[www.fairchild.af.mil](http://www.fairchild.af.mil)
- Naval Air Station Whidbey Island  
[www.cnic.navy.mil/whidbey](http://www.cnic.navy.mil/whidbey)
- Naval Station Everett  
[www.cnic.navy.mil/everett](http://www.cnic.navy.mil/everett)

### **Tahoma National Cemetery**

[www.cem.va.gov/cems/nchp/tahoma.asp](http://www.cem.va.gov/cems/nchp/tahoma.asp)

425-413-9614

## **STATE**

### **Washington State Dept. of Veterans Affairs**

[www.dva.wa.gov](http://www.dva.wa.gov)

800-562-2308

360-725-2200

### **Washington State Veterans Homes**

[www.dva.wa.gov/veteran-homes/veterans-homes](http://www.dva.wa.gov/veteran-homes/veterans-homes)

Admissions: 877-VETS-R-US (838-7787)

- Soldiers Home—Orting  
360-893-4515
- Washington Veterans Home—Port Orchard  
360-895-4700
- Spokane Veterans Home  
509-344-5770
- Walla Walla Veterans Home  
509-394-6800

### **WA National Guard Joint Services Support**

<https://mil.wa.gov/family-programs>

800-364-7492

### **Washington State Veterans Cemetery**

[www.dva.wa.gov/cemetery](http://www.dva.wa.gov/cemetery)

509-299-6280

### **Veterans Training Support Center**

[www.dva.wa.gov/benefits/vtsc](http://www.dva.wa.gov/benefits/vtsc)

## Appendix: Other Resources

### COMMUNITY

**County Veterans Assistance Funds**

[www.dva.wa.gov/benefits/county-map](http://www.dva.wa.gov/benefits/county-map)

**African American PTSD Association**

[www.aaptsdassn.org](http://www.aaptsdassn.org)

253-589-0766

**American Legion, Dept. of Washington**

<http://walegion.org>

360-491-4373

**AMVETS, Department of Washington**

[www.amvetswa.org](http://www.amvetswa.org)

253-472-2552

**Disabled American Veterans**

[www.davwa.org](http://www.davwa.org)

206-341-8267

**Gold Star Mothers, Washington Chapter**

[www.goldstarmoms.com/chapters--departments.html](http://www.goldstarmoms.com/chapters--departments.html)

**Marine Corps League, Dept. of Washington**

[www.mcldeptwa.org](http://www.mcldeptwa.org)

**Military Officers Association of America,  
Washington State Council of Chapters**

[www.moaa.org/chapter/washingtonstatecoc](http://www.moaa.org/chapter/washingtonstatecoc)

**Military Order of the Purple Heart**

[www.mophhq.org](http://www.mophhq.org)

**National Association for Black Veterans**

[www.washingtonstatecommandcouncil.org](http://www.washingtonstatecommandcouncil.org)

866-582-0895

**Paralyzed Veterans of America,  
Northwest Chapter**

[www.nwpva.org](http://www.nwpva.org)

800-336-9782

**Veterans of Foreign Wars (VFW),  
Dept. of Washington**

[www.vfwwa.org](http://www.vfwwa.org)

**Vietnam Veterans of America,  
Washington State Council**

[www.wavva.org](http://www.wavva.org)





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