

THE SERVICEMEMBER'S CIVIL RELIEF ACT – TERMINATION OF TELEPHONE SERVICE CONTRACTS

NACA Defending Servicemembers by Building an Army of Informed Consumers

The National Association of Consumer Advocates (NACA) is a non-profit association of attorneys and consumer advocates committed to representing consumers' interests. This Handout addresses the Residential lease termination provisions of the Servicemember's Civil Relief Act (SCRA).

1. The SCRA is a federal law designed to help maintain the mission readiness of servicemembers by providing special protections that reduce the impact and immediacy of many civil legal matters. Some of the rights conferred on servicemembers by the SCRA are: the modification of contract rights; the delay or stay of civil court cases and administrative agency rulings; the reopening of default judgments; the tolling of the statute of limitations on the time to bring a law suit; the adjustment the dollar amount of judgments; the delay of the execution of judgments; and court intervention prior to the taking of property.
2. The SCRA allows servicemembers to terminate telephone service contracts. The right to terminate a telephone service contract only applies to contracts for cellular telephone service or telephone exchange service entered into prior to receiving orders that would qualify for termination
3. The service provider is obligated to provide the servicemember with written or electronic notice of the servicemember's rights to terminate.
4. A servicemember may terminate a telephone service contract at any time after the date the servicemember receives military orders to relocate for a period of 90 days or more to a location that does not support the contract.
5. To terminate the contract the servicemember must deliver a written or electronic notice of the intent to terminate and a copy of the military orders to the service provider. The notice must be delivered in accordance with service providers standards for notification of terminations. The notice should contain the date on which the service is to be terminated.
4. If the contract is a family plan, termination by the servicemember will terminate the contract for the family members if they accompany him or her on the orders to a location without service.
5. The servicemember may retain the contact telephone number if the relocation is for not more than three (3) years and he or she re-subscribes to the service within 90 days of the three year period. If the servicemember re-subscribes within the above period the service provider cannot charge to reconnect the service.
6. The service provider may not impose an early termination charge. However, any tax or any other obligation or liability of the servicemember that is due and unpaid or unperformed at the time of termination of the contract shall be paid or performed by the servicemember.

This handout is for information purposes only and is not intended to be legal advice. If you need legal advice and assistance you may see legal advice from your Legal Assistance Office. Legal Assistance Offices can be located at <http://legalassistance.law.af.mil/content/locator.php>. You may also locate and contact a NACA attorney in your area logging on to <http://naca.net/find-attorney>.