



!ATTENTION -- MILITARY SERVICEMEMBERS!

1. Notification of Federal Servicemembers Civil Relief Act (SCRA)

The Servicemembers Civil Relief Act (SCRA) provides for the temporary suspension of judicial and administrative proceedings and transactions that may adversely affect the civil rights of servicemembers during their military service.

As defined by the SCRA, the term "uniformed services" means:

- (A) The armed forces (Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard);
- (B) The commissioned corps of the National Oceanic and Atmospheric Administration; and
- (C) The commissioned corps of the Public Health Service.

If you are a current member of the uniformed services, or were recently released or terminated from the uniformed services, the protections granted by the SCRA may apply to you in this contested case proceeding. The rights and protections of the Act may also apply if you are a reserve who has been ordered to report for military service, if you have been ordered to report for induction, or if you are a U.S. citizen serving with allied forces.

Protection under the SCRA must be requested during the member's military duty or within 30 to 180¹ days after military service ends, depending on the protection being requested. Information on SCRA may be found at <http://www.iagcnet.army.mil/TJAGSA> or <http://www.iagcnet.army.mil/legal>.

2. Oregon National Guard servicemember rights to relief from contested case proceeding under Oregon law.

Under Oregon law, a member of the Oregon National Guard who is called into active service inside or outside the state of Oregon may, while in active service or active duty, or within six months after that service or duty ends, apply to the Bureau of Labor and Industries for: (1) relief with respect to any obligation or liability incurred by the member before the period of active service or duty began; or (2) a stay of a contested case proceeding in which the Bureau has issued an Order of Determination, Notice of Intent, or Formal Charges that names the member as a party. ORS 399.238(1)&(2).

Contact the Bureau of Labor and Industries Case Presenter in this contested case immediately if you think you have rights under the SCRA or Oregon law that entitle you to be temporarily shielded from this legal proceeding. The Case Presenter will attempt to determine your status as it pertains to this proceeding, based on the information you provide. You should also consult with an attorney to determine your legal rights, as the Bureau cannot give legal advice. The Oregon State Bar's Lawyer Referral number is 1-800-452-7636.

¹ Section 202 of SCRA provides that a servicemember named as a party in a contested case proceeding may be entitled to a stay of the proceeding when the servicemember receives notice of the action and, at time of filing application for stay, is currently in the military or within 90 days of termination or release. ORS 399.238 defines "service member" as "(a) a member of the organized militia who is called into active service of the state by the Governor under ORS 399.054(1) for 30 or more consecutive days" or "(b) a member of the Oregon National Guard who is called into active federal service under Title 10 of the United States Code."

BOLI SCRA Notification (September 2008)

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Information on SCRA may be found at <http://www.jagcnet.army.mil/TJAGSA> or <http://www.jagcnet.army.mil/legal>.

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¹ Section 202. Stay of Proceedings When Servicemember has Notice (a) Applies where defendant, at time of filing application for stay... (1) Is in military, or within 90 days of termination or release; and (2) Has received notice of action. Oregon HB 3601 B-Engrossed, Section 9 (1) "As used in this section, 'state service member' means a member... called into active duty... for 30 or more consecutive days..." and (2) "A state member may, while in active service or within 6 months after that service ends, apply to a court (a) for relief with respect to any obligation or liability incurred by the member before the period of active state service... (b) For a stay of a civil judicial proceeding..."