



**OREGON MILITARY DEPARTMENT**  
JOINT FORCE HEADQUARTERS, OREGON NATIONAL GUARD  
1776 MILITIA WAY  
P.O. BOX 14350  
SALEM, OREGON 97309-5047

11 March 2013

Representative Greg Mathews  
Chairman, House Veterans and Emergency Service Committee  
Oregon Legislature

Dear Mr. Chairman and Members of the Committee:

I am Tony Garcia, a Captain with the Oregon Army National Guard. I am away at training in Virginia, and so I submit this testimony in writing, in support of House Bill 2083. The purpose of the SCRA is to strengthen and expedite national defense by giving servicemembers certain protections in civil actions. By providing for the temporary suspension of judicial and administrative proceedings and transactions that may adversely affect servicemembers during their military service, the SCRA enables servicemembers to focus their energy on the defense of the United States. Among other things, the SCRA allows for forbearance and reduced interest on certain obligations incurred prior to military service, such as credit cards, mortgage interest, and it restricts default judgments against servicemembers and rental evictions of servicemembers and all their dependents. The SCRA applies to all members of the United States military on active duty, and to U.S. citizens serving in the military of United States allies in the prosecution of a war or military action. The provisions of the SCRA generally end when a servicemember is discharged from active duty or within 90 days of discharge, or when the servicemember dies. Portions of the SCRA also apply to reservists, such as Oregon Guardsmen who have received orders but not yet reported to active duty or induction into the military service.

I am a Judge Advocate and have served as a Legal Assistance Attorney in the Oregon National Guard, and on Active Duty as the Chief of Client Services at United States Army Garrison, Schinnen, Netherlands. In the past, I have been the primary point of contact for legal assistance matters for all of Oregon's 8,500 soldiers and airmen, as well as the all service branches in Northern Germany, Northern Belgium, Norway, the United Kingdom, Poland and the Netherlands, from my time with the Oregon National Guard and 21<sup>st</sup> Theater Sustainment Command, respectively.

I have had dozens of soldiers with consumer complaints against gyms, internet and cable companies. As I mentioned, we as a society and the Army want our Soldiers when activated for military service to have the ability to quickly shift focus to military duty. In that regard, the SCRA allows servicemembers the ability to quickly dispose, cancel, or modify certain civil agreements. Gyms, internet and cable companies have often held servicemembers to contracts obligating them to pay for up to two years of service after entering military service, regardless of whether a servicemember is still using the service. In some cases, the servicemember has needed

a pause or suspension for a temporary tour in a combat zone, and they have been forced with paying the full amount, or paying a cancellation fee, or higher rates upon return. In some instances, the soldiers are able to reduce the payment during time away, but still incur a fee. I feel, and my clients have felt it unfair to pay fees up to \$75 a month, when the servicemember has no ability to use the service. Soldiers have often not known about a cancellation fee or continuing charges, and only discover that upon return from a combat zone, their credit has been ruined by service charges sent to collections. At that point, the servicemember cannot even make arrangements with the initial provider. Although some companies have allowed servicemembers to pause or cancel contracts, the experience is not uniform, and different soldiers have different experiences even with the same service company. I know of multiple cases where a provider indicated it would suspend service at no charge, and then would not reinstate the service. One Soldier had his fees double with 24-Hour Fitness because the suspension was improperly noted on the account. That Soldier had no recourse because that policy was voluntary, and at the discretion of the gym. Transition back from a combat zone is difficult enough, and servicemembers do not need the additional burden of fighting over these service contracts.

Initially the Act began addressing extensions for the Courts in 1918. Over the years, the Act has expanded to include automobile lease cancellation, mortgage interest reduction to 6% and mobile phone service suspension. Oregon has led the way by allowing servicemembers expanded redress in the Courts. In Oregon, servicemembers have broader rights against a mandatory arbitration clause, venue clause (where a court case would be filed) and minimum damages for violations. Today I ask that you allow Oregon to lead the way by allowing servicemembers to also cancel or suspend internet, cable, gym or health spa memberships when activated to military service. As this committee knows, Oregon will be deploying a significant number of Soldiers in 2014 to Afghanistan and this committee should approve this bill so that those Soldiers can focus on their mission and rest assured that they will not return to the civil disputes associated with these service contracts.

Respectively

/S/

Tony Garcia  
Captain  
Oregon National Guard

CF:  
Brigadier General Mike Caldwell