



Shakey's

LAW CORNER

Volume: 2, Issue 4 | August 2024

TOPICS:

Status of Justice
May-June

WHAT TO
KNOW when
filing a household
goods claim!

Landlord and
Tenant **ISSUES**
AND TIPS!



36th Andersen
Legal Office



Air Force Smooth
Move Website



Air Force
Legal Assistance Web Site

Visit our website
for more information on
office hours, appointments,
wills, notaries, and more!!!

STATUS OF JUSTICE: MAY - JUNE

Nonjudicial Punishments

Andersen AFB commanders administered 5 Nonjudicial Punishment actions under Article 15 of the Uniform Code of Military Justice (UCMJ) for the following offenses:

Fleeing the Scene of a Vehicle Accident and False Official Statement: An A1C made false official statements to investigators about a car accident that occurred off-base involving other Airmen from the same unit. The A1C fled the scene of the accident without administering or seeking aid for an injured Airman. For this misconduct, the A1C received a reduction to E-2, a suspended reduction to E-1, suspended forfeiture of \$1,008, 15 days restriction to base, 45 days extra duty, and a reprimand.

Service Discrediting Conduct: A TSgt wore an offensive shirt at a course while TDY after being repeatedly told not to do so. For this misconduct, the TSgt received forfeiture of \$2,193 for two months, and a reprimand.

Drug Use: A SrA knowingly consumed THC-8 (Synthetic Marijuana). For this misconduct, the SrA received a reduction to E-3, suspended forfeiture of \$1,340 for six months, suspended restriction to base for 30 days, and a reprimand.

DUI: An A1C drove while intoxicated and crashed into a tree, leaving the scene of the accident afterwards. For this misconduct, the A1C received a reduction to E-2, suspended reduction to E-1, restriction to base for 30 days, suspended restriction to base for 15 days, and a reprimand.

Assault: A SSgt communicated a threat and assaulted another Airman. For this misconduct, the SSgt received a suspended reduction to E-4, forfeiture of \$1,598 for two months, 45 days restriction to base, 45 days extra duty, and a reprimand.

Administrative Discharges

Andersen AFB commanders processed 6
Enlisted administrative discharges.

Minor Disciplinary Infractions: An Airman was separated with an Under Honorable Conditions (General) characterization, following Article 15 punishment for failure to go on six occasions, reckless driving, and multiple false official statements.

Drug Abuse: Three Airmen were separated with an Under Honorable Conditions (General) characterization, following Article 15 punishment for consuming marijuana.

Commission of a Serious Offense, Other Serious Offenses: An Airman was separated with an Under Honorable Conditions (General) characterization, following Article 15 punishment for assaulting an Airman and DUI.

Drug Abuse and Commission of a Serious Offense, Other Serious Offenses: An Airman was separated with an Under Honorable Conditions (General) characterization, following Article 15 punishment for consuming marijuana, underage drinking, and DUI.

Andersen AFB Legal Office
Contact Information
Front Desk: 366-2937
Hours of Operation
Monday & Tuesday 0900-1600
Wednesday 1200-1600
Thursday 1000-1600
Friday 0900-1600
Closed Weekends, Holidays, &
PACAF Family Days

Court-Martial Cases

US v. 2d Lt Christopher L. Smith (36 CES)

2d Lt Christopher Smith was convicted at a General Court-Martial for abusive sexual contact. He was sentenced to 75 days of confinement, a reprimand, and a dismissal.



VICTIMS' COUNSEL

Capt Alexxa Pritchett
JBPHH, HI
Bldg. 2060
Office: 315-449-5510



AREA DEFENSE COUNSEL

Capt Sharon Otasowie
Bldg. 718
Office: 315-366-2281

Where can I see the
upcoming trials?

DAF
Public Docket

NAVIGATING LANDLORD AND TENANT ISSUES IN GUAM:

KEY TIPS AND GUIDANCE FOR SERVICE MEMBERS



Navigating housing issues is crucial when settling into a new duty station or preparing for a PCS move. Whether you're arriving at Andersen AFB or departing Guam, understanding your rights and responsibilities as a tenant is essential. Here's a comprehensive guide to help you through the process:

Arriving at Andersen AFB:

Upon arrival, visit the [Housing Service Center \(HSC\)](#) within the first 48 hours. Airmen and their families receive counseling and guidance before entering any lease or rental contract.

Depending on availability, families may be accommodated on base or referred to off-base housing options.

Renting Off-Base:

Document any preexisting damage to the property with thorough pictures or videos. This documentation will be invaluable when terminating your lease and settling any disputes regarding damages.

Issues During Your Time in Guam:

If you encounter issues such as mold or other internal problems in your rental property and your landlord is unresponsive, contact the Andersen Housing Office promptly to open a complaint. Your landlord is required to respond within three days once a complaint is lodged.



In case of natural disasters like typhoons causing damage to your rental property, document all damage thoroughly. If your landlord attempts to hold you liable for such damages, seek assistance from the Andersen Housing Office. If necessary, they can refer you to the Andersen Legal Office for further legal guidance. As a tenant, it's your **responsibility** immediately to report any new and visible damages, such as water leakages, mold, or other issues, to your landlord; otherwise, you may be **held liable during your exit inspection**.

Ensure all communications with your landlord are in writing to maintain a clear paper trail. This helps in resolving disputes or proving compliance with rental agreements.

Paying Rent On Time:

Timely rent payment is crucial. Delays can result in notifications to your command by the housing office and may result in possible adverse actions.

Departing Guam:

Upon knowing your departure date, inform your landlord immediately. They must adhere to your rights under the [Servicemembers Civil Relief Act \(SCRA\)](#).

Provide evidence of preexisting damages from your initial inspection using the pictures and videos you took. If you anticipate unfair charges from your landlord, notify the Housing Office promptly. They can mediate between you and your landlord to resolve the matter amicably.

If an agreement cannot be reached with your landlord, seek assistance from the Andersen Legal Office.

Landlord-Tenant Disputes:

One common issue is landlords unreasonably retaining security deposits. To mitigate this, follow these steps:

Move-In Inspection: Conduct a thorough inspection when you move in, documenting any existing damages with pictures and videos.



Move-Out Cleaning: Ensure the rental unit is thoroughly cleaned before moving out. Be reasonable in accepting responsibility for any damages caused during your tenancy.

Reasonable Retention: Landlords must be reasonable in the amounts they retain from security deposits for cleaning or repairs. The burden of proof for damages lies with the landlord, who must provide an itemized list of repairs and associated costs.

Legal Recourse: According to Guam Code, Title 21, [Section 48201](#), if a landlord wrongfully and willfully retains all or part of the security deposit, the court can award damages up to three times the amount wrongfully retained. If the retention is wrongful but not willful, the court can award damages up to the amount wrongfully retained.

PCS to Stateside:

For service members preparing for a PCS move stateside, familiarize yourself with your new state's landlord-tenant statutes using resources like [Nolo's Landlord-Tenant Statutes](#).

Educate yourself on your rights under SCRA. Visit your local military legal office for guidance or clarification on how SCRA protections apply to your specific situation.

By understanding these guidelines and leveraging available resources, service members can navigate landlord-tenant issues with confidence during their assignment at Andersen AFB or beyond. For any legal concerns or specific questions, feel free to call and schedule an appointment with the [Andersen Legal Office](#)!

*As a tenant, it is your **responsibility** to report damages to your landlord, otherwise you may be **held liable** during your exit inspection!*



WHAT TO KNOW WHEN FILING A HOUSEHOLD GOODS CLAIM

Moving can be a hectic experience, and sometimes items get lost or damaged along the way. Fortunately, service members are entitled to compensation for such incidents. Here's a structured guide to help you navigate the process of filing a household goods claim effectively.

When you discover damage to your property post-move, contact your Transportation Service Provider to begin your claim Process:

- Transportation Service Provider (TSP) or your local Personal Property Shipping Office (PPSO) (DSN:366-3708) are your primary contacts.

Types of Claims and Where to File

1. PERSONAL PROPERTY CLAIM

This claim covers items such as household goods, unaccompanied baggage, non-temporary storage, and direct procurement method moves. You can file these claims through the [Defense Personal Property System \(DPS\)](#).

- Full Replacement/Repair Value: Your items are insured at no additional cost during military moves. This ensures you receive compensation equivalent to either replacement or repair costs, depending on the condition of the item.

Click [here](#) for a step-by-step guide on how to file Your personal property Claim!

Or scan the QR code for the Personal Property Claims Fact Sheet for more information!

Handling HHG Crates Impacted by Mold

If your Household Goods (HHG) crates are affected by mold, they will be sent to a local mold remediation company to determine what can be saved and what must be disposed of. Some Transportation Service Providers (TSPs) might pressure you to file claims on disposal items before remediation. This is inappropriate.

If a TSP tries to rush you into filing a claim, report them to the Military Claims Office (MCO) immediately. You have 180 days to notify of your claims and 9 months to complete them. Do not let a TSP force you into filing claims on disposal items prematurely.

Don't feel pressured to accept an offer if you are not completely satisfied!

2. QUICK CLAIM OPTION

Instead of using the filing method previously describes, you may file a quick claim settlement, if the delivering TSP offers, outside of DPS to promptly resolve minor loss or damage. This option is offered by some TSPs for minor losses or damages outside of DPS, settled promptly without extensive paperwork.

3. ESSENTIAL ITEM OPTION

Essential items are necessary for everyday living, excluding entertainment items and regularly used-up items like food or cleaning supplies. Examples include refrigerators, medical equipment, mattresses, and washers/dryers. If an essential item is lost or damaged, notify the TSP within seven days of delivery, and they will respond within two business days. Possible responses include payment, permanent replacement, or temporary replacement during repairs. For assistance, contact your service's [Military Claims Office](#).

4. RESIDENTIAL DAMAGE

Real Property Damage Claims: If your home is damaged during the move, file a claim directly with the TSP within seven days. Click [here](#) for step-by step guidance on filing this claim.

5. INCONVENIENCE CLAIMS

If the TSP misses pickup or delivery dates, preventing you from using necessary items for your new household, you may qualify for an inconvenience claim paid by the TSP. Eligibility includes:



-TSP fails to pick up on agreed date.

-TSP fails to deliver by required date, provided you're available.

-TSP stores your shipment without notice, unless they've attempted contact twice six hours apart.

-If shipment release from storage is delayed beyond specified timelines. The TSP notifies you of delays in advance. To file a claim:

- Notify TSP and request a claim form.
- Return completed form promptly.
- TSP must acknowledge within five business days.

For shipments after specific dates, consider per diem reimbursements or actual expenses for initial days. Unaccompanied baggage claims differ—receipts are required. Reclaim paid-for items on delivery. [Contact TSP](#) before out-of-pocket expenses.

6. PRIVATELY OWNED VEHICLE CLAIMS

For POV loss or damage claims, you have three options:

Onsite Settlement: File a claim valued at \$1,500 or less at the Vehicle Processing Center during pickup. Payment will be electronically deposited into your bank account.

International Auto Logistics (IAL) Claim: Obtain an estimate from a repair facility and submit it to IAL claims within 10 business days of discovering loss or damage post-pickup. IAL will review, process, and settle your claim within 40 days of filing.

For details, [click here](#) or contact IAL claims at 855-389-9499 (choose "claims" from the menu) or email claims@ialpov.us.

POV Inconvenience Claims:

Service members may be reimbursed for rental car and lodging expenses due to delayed POV availability, handled through International Auto Logistics, or IAL, claim. For more information contact IAL claims department

Navigating household goods claims involves clear communication, timely filing, and understanding your entitlements under military moving regulations. If you would like more guidance on each of the steps mentioned above, check out [Military One source](#) for further guidance, resources, and examples on how to document your claim.

