

Department of Justice Enforcement of Servicemembers Civil Relief Act





THE UNITED STATES DEPARTMENT OF JUSTICE

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Let Us Help You Protect Your Rights As You Have Protected Ours

The Department of Justice, in partnership with other federal agencies, is committed to enforcing the federal laws that protect the civil rights of servicemembers. The Civil Rights Division protects a servicemember's civilian employment rights by enforcing the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), voting rights by enforcing the Uniformed and Overseas Citizen Absentee Voting Act of 1986 ("UOCAVA"), and financial security through the Servicemembers Civil Relief Act ("SCRA").

The employees of the Department of Justice are proud to serve our nation's men and women in uniform. This site provides information on how the Department of Justice and other federal agencies can help, and what servicemembers can do to protect their rights under the law.

NEWS

May 2014

Attorney General Eric Holder
Speaks at Press Conference
Announcing Law Enforcement
Action to Protect Military
Servicemembers from Unfair
Lending Practices

Civil Rights Division Releases Fact
Sheet on Servicemembers' Rights

Justice Department Reaches \$60
Million Settlement with Sallie Mae
to Resolve Allegations of Charging
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Excessive Rates on Student Loans

April 2013

Service Members to Receive \$39
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Servicemembers Civil Relief Act

October 2012

Justice Department Announces
Agreement to Protect Rights of
Military and Overseas Voters in
Vermont

September 2012

Justice Department Announces
Agreement to Protect Rights of
Military and Overseas Voters in
the U.S. Virgin Islands

Servicemembers Civil Relief Act Protections

- No foreclosures on pre-service mortgages without a court order
- No default judgments against servicemember without accurate military affidavit

Financial Protection for Servicemembers

The Servicemembers Civil Relief Act (SCRA), formerly known as the Soldiers' and Sailors' Civil Relief Act (SSCRA), is a federal law that provides a range of relief to active duty servicemembers. The law's purpose is to postpone or suspend certain civil obligations so that members of the Armed Forces can focus their full attention on their military responsibilities without adverse consequences for them or their families. It covers issues such as rental agreements, security deposits, prepaid rent, eviction, installment contracts, credit card interest rates, mortgage interest rates, mortgage foreclosure, civil judicial proceedings, automobile leases, life insurance, health insurance and income tax payments.



The types of relief provided under the law include:

- Reducing the rate of interest for debts incurred before entering active duty to 6 percent;



Servicemembers Civil Relief Act Protections (cont.)

- Lenders must reduce interest on pre-service debt to 6% on request
- No auto repossessions without court order if vehicle bought pre-service
- No enforcement of storage liens without court order (towing companies, storage facilities)

Servicemembers Civil Relief Act Protections (cont.)

- Landlords must allow servicemembers to terminate their leases early upon submission of permanent change of station (PCS) orders
- No evictions without court order if rent does not exceed about \$3,000/mo.



Welcome to the Official Servicemembers Civil Relief Act (SCRA) Website

[Home](#)[Single Record Request](#)[Multiple Record Requests](#)[User's Guide](#)[FAQs](#)[News](#)[My Account](#)

Single Record Request

Use this page to request a Certificate verifying Active Duty Status for an individual on a specified date.

* Indicates a required field

* SSN

* Repeat SSN

* Birth Date

MM/DD/YYYY(e.g., 09/16/2012)

SSN
OR
Birth Date
Required

* Last Name

First Name

Middle Name

* Active Duty Status Date

MM/DD/YYYY(Default will be today's date e.g., 09/25/2014)

Tips & Notes

- Without a Social Security Number, DMDC cannot authoritatively assert that this is the same individual that your query refers to. Name and date of birth alone do not uniquely identify an individual.
- Check your data entry before submitting it.
- Response may take up to 15 seconds after clicking "Submit".

Resources

[Download Adobe Reader](#)[Unexpected results?](#)

2012 National Mortgage Settlement

Bank of America Corporation

JP Morgan Chase & Co.

Wells Fargo & Co.

Citigroup, Inc.

Ally Financial (formerly GMAC)

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Thursday, February 9, 2012

Federal Government and State Attorneys General Reach \$25 Billion Agreement with Five Largest Mortgage Servicers to Address Mortgage Loan Servicing and Foreclosure Abuses

WASHINGTON – U.S. Attorney General Eric Holder, Department of Housing and Urban Development (HUD) Secretary Shaun Donovan, Iowa Attorney General Tom Miller and Colorado Attorney General John W. Suthers announced today that the federal government and 49 state attorneys general have reached a landmark \$25 billion agreement with the nation's five largest mortgage servicers to address mortgage loan servicing and foreclosure abuses. The agreement provides substantial financial relief to homeowners and establishes significant new homeowner protections for the future.

The unprecedented joint agreement is the largest federal-state civil settlement ever obtained and is the result of extensive investigations by federal agencies, including the Department of Justice, HUD and the HUD Office of the Inspector General (HUD-OIG), and state attorneys general and state banking regulators across the country. The joint federal-state group entered into the agreement with the nation's five largest mortgage servicers: Bank of America Corporation, JPMorgan Chase & Co., Wells Fargo & Company, Citigroup Inc. and Ally Financial Inc. (formerly GMAC).

"This agreement – the largest joint federal-state settlement ever obtained – is the result of unprecedented coordination among enforcement agencies throughout the government," said Attorney General Holder. "It holds mortgage servicers accountable for abusive practices and requires them to commit more than \$20 billion towards financial relief for consumers. As a result, struggling homeowners throughout the country will benefit from reduced principals and refinancing of their loans. The agreement also requires substantial changes in how servicers do business, which will help to ensure the abuses of the past are not repeated."

SCRA mortgage servicing agreements

- Involve nation's five largest servicers
- Full review back to 1/1/06 for foreclosures and 1/1/08 for 6% interest rate requests
- Includes judicial and non-judicial foreclosures
- Payments in addition to \$25B settlement

SCRA mortgage servicing agreements

- Payments overseen by DOJ
- Minimum payments per servicemember:
 - \$125,000 for a wrongful foreclosure
 - Excess interest charged + greater of 3X that amount or \$500 for a wrongful interest rate cap denial

Recent SCRA Highlights

U.S. v. Sallie Mae (2014) (excess interest charged on student loans)

U.S. v. Capital One (2012) (enterprise-wide: credit card interest, foreclosures, repossessions, default judgments)

Authorized lawsuits against storage facility and auto lender

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Tuesday, May 13, 2014

Justice Department Reaches \$60 Million Settlement with Sallie Mae to Resolve Allegations of Charging Military Servicemembers Excessive Rates on Student Loans

The Department of Justice today announced the federal government's first lawsuit filed against owners and servicers of student loans for violating the rights of servicemembers eligible for benefits and protections under the Servicemembers Civil Relief Act (SCRA). The United States' complaint alleges that three defendants, collectively known as Sallie Mae, engaged in a nationwide pattern or practice, dating as far back as 2005, of violating the SCRA by failing to provide members of the military the six percent interest rate cap to which they were entitled. The three defendants are Sallie Mae Inc. (now known as Navient Solutions Inc.), SLM DE Corporation (now known as Navient DE Corporation), and Sallie Mae Bank. The complaint further alleges that defendants Sallie Mae Inc. and SLM DE Corporation also violated the SCRA by improperly obtaining default judgments against servicemembers.

In addition to the complaint, the department filed a proposed settlement of the lawsuit which will require Sallie Mae to pay \$60 million to compensate servicemembers for the alleged SCRA violations. The department estimates that about 60,000 servicemembers will receive compensation under the settlement. The settlement and complaint have been filed in the U.S. District Court for the District of Delaware and the settlement is pending approval in that court.

The proposed settlement covers the entire portfolio of student loans serviced by, or on behalf of, Sallie Mae. This includes private student loans, direct Department of Education loans and student loans that originated under the Federal Family Education Loan Program. The proposed settlement is far-reaching, with certain servicemembers to be compensated for violations of the SCRA that occurred almost a decade ago.

In addition to the \$60 million in compensation, the proposed settlement contains several other key provisions to ensure that servicemembers are protected going forward. Sallie Mae must request that all three major credit



Attorney General Eric Holder Speaks at Press Conference Announcing Law Enforcement Action to Protect Military Servicemembers from Unfair Lending Practices

Washington, DC, United States ~ Tuesday, May 13, 2014

Good afternoon – and thank you all for being here. I am joined today by Secretary of Education Arne Duncan; Acting Assistant Attorney General Jocelyn Samuels of the Justice Department's Civil Rights Division; and Acting General Counsel for the Department of Education Philip Rosenfelt. We are here to announce a landmark step forward in our effort to achieve justice for victims of improper lending practices – and to protect the men and women of America's armed services from *anyone* who would take advantage of those who wear the uniform.

Today, the Department of Justice filed the first lawsuit involving student loans under the Servicemembers Civil Relief Act – or SCRA. This law helps protect U.S. servicemembers because it caps interest rates on certain types of consumer loans, such as student loans, at six percent.

JUSTICE NEWS

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Thursday, July 26, 2012

Justice Department Reaches \$12 Million Settlement to Resolve Violations of the Servicemembers Civil Relief Act by Capital One

Capital One N.A. and Capital One Bank (USA) N.A. (together Capital One), have agreed to pay approximately \$12 million to resolve a lawsuit by the Department of Justice alleging the companies violated the Servicemembers Civil Relief Act (SCRA), the Justice Department announced today. The settlement covers a range of conduct that violated the protections guaranteed service members by the SCRA, including wrongful foreclosures, improper repossessions of motor vehicles, wrongful court judgments, improper denials of the 6 percent interest rate the SCRA guarantees to service members on some credit card and car loans and insufficient 6 percent benefits granted on credit cards, car loans and other types of accounts. The proposed consent order, which was filed simultaneously with the complaint, is one of the most comprehensive SCRA settlements ever obtained by a government agency or any private party under the SCRA.

"Today's action makes clear that the Justice Department will fight for our service members, and use every available tool, resource and authority to hold accountable those who engage in discriminatory practices targeting those who serve," said Attorney General Eric Holder. "Every day, our brave men and women in uniform make tremendous sacrifices to protect the American people from a range of global threats – and my colleagues and I are determined to ensure that they receive our strongest support here at home."

The agreement requires Capital One to pay approximately \$7 million in damages to service members for SCRA violations, including at least \$125,000 in compensation plus compensation for any lost equity (with interest) to each servicemember whose home was unlawfully foreclosed upon, and at least \$10,000 in compensation plus compensation for any lost equity (with interest) to each servicemember whose motor vehicle was unlawfully repossessed. In addition, the agreement requires Capital One to provide a \$5 million fund to compensate service members who did not receive the appropriate amount of SCRA benefits on their credit card accounts, motor vehicle

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FOR IMMEDIATE RELEASE

Thursday, April 4, 2013

Service Members to Receive \$39 Million for Violations of the Servicemembers Civil Relief Act

The Justice Department announced today that under its 2011 settlements with BAC Home Loans Servicing LP, a subsidiary of Bank of America Corporation, and Saxon Mortgage Servicing Inc., a subsidiary of Morgan Stanley, 316 service members whose homes were unlawfully foreclosed upon between 2006 and 2010 are due to receive over \$39 million in monetary relief for alleged violations of the Servicemembers Civil Relief Act (SCRA).

Under the first settlement, Bank of America is required to pay over \$36.8 million to service members whose homes were unlawfully foreclosed upon between 2006 and 2010. Each service member will receive a minimum of \$116,785, plus compensation for any equity lost with interest. Bank of America has already begun compensating 142 service members whose homes were illegally foreclosed on between 2006 and the middle of 2009. Under the same agreement, Bank of America agreed to provide information about its foreclosures from mid-2009 through the end of 2010. As a result of that review, Bank of America will now pay 155 service members upon whose homes it illegally foreclosed. Borrowers receiving payment under this settlement may receive an additional payment under a settlement between Bank of America and federal banking regulators -- the Office of the Comptroller of the Currency and the Board of Governors of the Federal Reserve System -- if the foreclosure occurred in 2009 or 2010. Payments provided under the federal banking regulators' settlement will bring the total amount received by eligible borrowers to \$125,000 plus equity where applicable.

Under the second settlement, Saxon Mortgage Services Inc. is in the process of paying out over \$2.5 million to 19 service members whose homes were unlawfully foreclosed upon between 2006 and 2010. Each service member will receive a minimum of \$130,555.56, plus compensation for any equity lost with interest.

U.S. v. Empirian Prop. Mgmt *(2012)*

- » Complaint alleges that property management company failed to terminate at least four residential leases of servicemembers assigned to Offutt Air Force Base
- » Under the consent order, Empirian must pay a total of \$12,500 in damages to four identified servicemembers, and up to \$20,000 to any additional servicemembers harmed.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA,)

Plaintiff,)

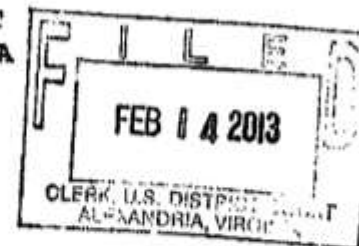
v.)

JOHN E. WILLIAMS,)

and)

OCCOQUAN FOREST DRIVE, LLC,)

Civil Action No. 1:12-cv-551



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Respectfully submitted,

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for violations of the SCRA.

For the reasons stated herein, Plaintiff's Motion for Summary Judgment should be granted and Defendants' Motions to Dismiss should be denied. Plaintiff is entitled to the injunctive and monetary relief requested in the Complaint. An appropriate Order shall issue.

/s/
Claude M. Hilton
United States District Judge

Alexandria, Virginia

What can USAOs do?

- Everything!
- USAOs have worked on SCRA matters in ED Va., SD Cal., N.D. Tex., W.D. Tex., WD Wash. and Guam
- Matters range from individual landlord-tenant cases to national lending violations
- Outreach at local military installations

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Thursday, September 24, 2009

Justice Department Announces Settlement of Its First Landlord-Tenant Case Under the Servicemembers Civil Relief Act

WASHINGTON – The Justice Department today announced that it had reached a settlement with a Virginia landlord to resolve allegations that she violated the Servicemembers Civil Relief Act (SCRA). The lawsuit alleged that the landlord failed to return prepaid rent and security deposits to a tenant who had terminated her lease early in order to comply with military orders to relocate from to Georgia.

The SCRA provides certain protections to active duty servicemembers who must terminate residential leases to comply with military orders for a permanent change of station or for deployment. The complaint, which was filed with the settlement, represents the first lawsuit involving a landlord-tenant matter brought by the Justice Department under the SCRA. Under the terms of the settlement, which must be approved in federal court in Virginia, the landlord must pay her former tenant a total of \$5,600 in damages and is enjoined from engaging in future violations of the SCRA.

"It is because of our men and women in uniform that we, as a nation, are able to enjoy great personal freedoms," said Loretta King, Acting Assistant Attorney General for the Civil Rights Division. "It is therefore our duty, and our privilege, to protect the rights of our servicemembers, as they protect us."

The tenant in this lawsuit, colonel Debra Bean, is a highly decorated member of the armed forces. Colonel Bean currently serves as Vice Commander for the 78th Air Base Wing at Robins Air Force Base in Georgia.

The Justice Department's investigation of this matter originated with a referral to the Civil Rights Division from the U.S. Air Force. The Civil Rights Division received enforcement authority under the SCRA in 2006, and has since reviewed numerous allegations of SCRA violations and resolved investigations in the following areas without the need for litigation: the charging of excess interest over the six percent interest rate cap; the repossession of vehicles without court orders; and the foreclosure on home mortgage loans without court orders.

Servicemembers and their dependents who believe that their SCRA rights have been violated should contact the

Done

Ir

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