

## §818.6

(1) Legal counseling services are available regarding indebtedness and dependent support agreements.

(2) Financial counseling and assistance services are available through the Personal Financial Management Program (PFMP) or the Budget Restructuring Program (BRP).

(i) PFMP is designed to assist personnel in analyzing personal financial problem areas, developing budgets, formulating debt-liquidation plans, obtaining consumer protection, improving checkbook maintenance, and buying on credit. (See AFR 170-32, Personal Financial Management Program (PFMP))

(ii) BRP is a coordinated approach between the PFMP manager, Headquarters Air Force Aid Society (AFAS) and the installation commander, whereby members who are undergoing financial difficulties may obtain a loan. BRP loans are made to deserving members in selected cases where long-term debt problems are such that budget restructuring is essential if the member is to function effectively in the Air Force environment.

(iii) Counseling services may also be available from the onbase military banking facility or credit union.

(c) Advise the complainant of Air Force policy that applies to the situation. Responses to dependent support complaints will include, when appropriate, a copy of the factsheet describing the legal process procedures that may be taken against the Air Force (§818.20 and 818.21). Form letters are not permitted.

(1) The Air Force does not arbitrate disputed cases, admit or deny validity of the complaint, or confirm the liability of its members.

(2) Under no circumstances will the response indicate whether or not administrative or disciplinary action has been taken against the member as a result of the complaint.

(3) Replies should be courteous and responsive to the complaint. The commander is not an intermediary and that impression should not be given in the reply.

(4) Commanders must actively monitor complaints until they are resolved. The Air Force cannot tolerate financial irresponsibility, neglect, dishonesty, or

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evasiveness. Failure to liquidate personal financial obligations promptly and honorably or to provide regular and adequate financial support to dependents could necessitate administrative or disciplinary action. If the commander decides the complaint reflects adversely on the member, the administrative or disciplinary action should be made a part of the unfavorable information file (UIF) according to AFR 35-32 (Unfavorable Information Files, Control Rosters, Administrative Reprimands and Admonitions) or the unit assigned personnel information file (UAPIF) according to AFR 35-44 (Military Personnel Records Systems).

### **§818.6 High-level inquiries (AFR 11-7, Air Force Relations with Congress).**

Replies to high-level, executive, and congressional inquiries should be coordinated through the installation commander, the staff judge advocate, director of personnel, and inspector general. As a minimum, replies should state Air Force policy (§818.1), and a summary of the position taken by the member, if applicable. For inquiries requiring response to HQ AFMPC Congressional Inquiries Section (DPMRPH2), include that information required by §818.4(c), as appropriate, in addition to:

(a) Whether or not the member agrees to release of information protected by the Privacy Act of 1974. (See part 806b of this chapter)

(b) Name of unit commander, address, and base telephone number.

## **Subpart B—Personal Indebtedness**

### **§818.7 General policies.**

(a) Members are expected to pay their financial obligations in a proper and timely manner. Claims of indebtedness, including returned checks, if properly supported, are processed as prescribed in §818.5.

(b) Inform claimants, desiring to contact a military member about indebtedness, that they may obtain the member's military address by writing to the HQ AFMPC Research, Locator Fees Section (HQ AFMPC/DPMD003), Northeast Office Place, 9504 IH 35 North, San Antonio TX 78233-6636. Usually, a research fee of \$3.50 is charged for this

service. For those cases where an address is not releasable, HQ AFMPC/DPMD003 provides mail forwarding service at no additional cost.

(c) The processing of complaints will not be extended to those:

(1) Who have not made a bona fide effort to collect the debt directly from the military member through personal contact, correspondence, or other means.

(2) Whose claims are patently false and misleading, or are in violation of state laws concerning usury and debt collection practices (§ 818.4).

(3) Whose claims are obviously exorbitant (§ 818.4).

(d) Some states have enacted laws that prohibit creditors from contacting a debtor's employer with respect to indebtedness or communicating facts concerning indebtedness to any employer unless certain conditions are met. The conditions that must be met to remove this prohibition are generally such things as reduction of a debt to judgment and obtaining written permission of the debtor.

(1) At Air Force installations in states having such laws, the processing of debt complaints will not be extended to those creditors who are not in compliance with the state law. Commanders may advise creditors that this rule has been established because it is the general policy of the Air Force to comply with state law when that law does not infringe upon military interests.

(2) This policy will govern even though the creditor is not licensed to do business in the state where the debtor is located.

(e) Under Pub. L. 95-109, contact by a debt collector with third parties for the purpose of aiding debt collection is prohibited without the prior consent of the debtor, given directly to the debt collector, or without a court order. Creditors are generally exempt from Pub. L. 95-109 when they collect on their own behalf.

(f) Denial of privileges:

(1) If a claimant, having been notified of the requirements of this part, refuses or repeatedly fails to comply with its provisions; or a claimant, regardless of the merits of the claim, clearly has shown that an attempt is being made

to make unreasonable use of the processing privilege, the CBPO Special Actions Unit documents the case, provides comments and recommendations, and submits the documentation through command channels to HQ AFMPC/DPMASC.

(2) Cases involving usurious, fraudulent, misleading, or deceptive business practices are reported to the Armed Forces Disciplinary Control Board according to AFR 125-11 (Armed Forces Disciplinary Control Boards and Off-Installation Military Enforcement Services), as well as HQ AFMPC/DPMASC if it appears that Air Force-wide action is appropriate.

#### **§ 818.8 General requirements for acceptance of complaints.**

Requirements in this section do not apply to claims by Federal, State, or Municipal governments, including foreign, nor to those creditors not otherwise subject to Federal Reserve Board (FRB) Regulation Z (12 CFR part 226, §§ 226.3, 226.9 (1978)).

(a) *Full disclosure and standards of fairness.* The Truth in Lending Act (Pub. L. 90-321) prescribes the general disclosure requirements that must be met by those offering or extending consumer credit. It also prescribes the specific disclosure requirements for both open-end and installment credit transactions.

(1) In place of government requirements, state regulations apply to credit transactions if the FRB determines that the state regulations impose substantially similar requirements and provide adequate enforcement measures.

(2) Commanders should seek advice from their local staff judge advocate to determine whether federal or state laws and regulations apply.

(b) *Certificates of compliance:* (1) Creditors subject to FRB regulation Z, and assignees claiming thereunder, must provide an executed copy of the Certificate of Compliance with their request for assistance. They must also include a copy of the general and specific disclosures provided the member as required by Pub. L. 90-321.

(2) Creditors not subject to FRB Regulation Z (for example, public utility companies, grocery stores, and so