SECTION XVI

MONEY ALLOWANCES IN LIEU OF QUARTERS

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74. Provisions of law and eligibility.—*a.* Under the terms of Public Law 607, approved June 16, 1942, each enlisted man of the first, second, or third pay grade in the active Military, Naval, or Coast Guard Service of the United States, having a dependent (as listed below), shall be entitled to receive a money allowance in lieu of quarters for any period during which public quarters are not provided and available for his dependent. However, no man while in a non-travel status will be credited with a quarters allowance in his own right, as well as a money allowance for quarters for his dependent, unless because of orders his dependent is prevented from dwelling with him at his duty station.

b. If the dependent is a wife, or an unmarried child under 21 years of age, the enlisted man's disbursing officer may credit the allowance to the man's account without proof of actual support: their dependency is presumed. The term "child" includes a stepchild and an adopted child when such stepchild or adopted child is in fact dependent upon the person claiming dependency allowance.

(1) If the dependent is a mother, father, stepchild, or adopted child, a determination of dependency must be made by a designated subordinate of the Secretary of the Navy. An enlisted man, claiming the allowance for a mother, father, stepchild, or adopted child, files a claim through his commanding officer. Upon receipt of this claim in the Bureau of Naval Personnel, an investigation is made to ascertain the facts upon which to base a proper determination of dependency.

(2) Upon a finding that the claimed dependent is in fact dependent on the enlisted man for his or her chief support, notice to that effect is sent to the disbursing officer of the claimant, authorizing him to credit the man's pay account with the allowance. The allowance is not paid to the dependent relative. If the claim is disallowed, the man is notified to that effect.

75. How paid.—When the claim is allowed, the man's disbursing officer is authorized to credit the approved allowance for a period not exceeding one year from the date of the letter of determination from the Bureau of Naval Personnel. Prior to the expiration of the year following the date of such letter, further investigation will be conducted to determine whether or not the allowance will be continued. It is not necessary for the claimant to file a new claim for this further period.

76. Notification of changes.—Both the dependent and claimant are expected to notify the Bureau of Naval Personnel immediately of any change in dependent's circumstances which would operate to change the situation that prevailed at the time the original determination was made.

SECTION XVII

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940

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77. General.—The primary purpose of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended October 6, 1942 is to relieve members of the naval

service from worry over their inability to liquidate their contract obligations by reason of reduced income. The act does not declare a moratorium on all debts of persons in the naval service during service. Instead, each case is decided by the appropriate court on its own merits upon all the relevant facts. The important element is whether or not the individual concerned is less able to pay his obligation by reason of his naval service. Furthermore, during his period of naval service, or 6 months thereafter, the person may affirmatively apply to a court for relief with respect to obligations incurred prior to naval service for any tax or assessment whether falling due prior to or during period of naval service. The court may on certain conditions stay the enforcement of such obligations.

78. Court proceedings.—*a. Court appearance.*—Where suit is instituted or in existence involving a person in the naval service as plaintiff or defendant, the court will appoint an attorney to appear for such person, or he may appoint an attorney himself, without appearing personally if he is unable so to do. A certificate signed by his commanding officer or Chief of Naval Personnel will be acceptable to the court as proof that the person is actually in naval service.

b. Stay of proceedings.—At any stage of a court proceeding in which a person in naval service is a plaintiff or defendant, the court at its discretion may stay proceedings during the time of such naval service and for 6 months thereafter, if in the opinion of the court the ability of the person either to prosecute or defend the case is materially affected by reason of his naval service. In addition the court may vacate or stay any attachment or garnishment of property, money, or debts in the hands of another, or stay foreclosure of any storage lien.

79. Sureties, guarantors, accommodation makers, etc.—Sureties, guarantors, accommodation makers, or indorsers on contracts of persons in naval service receive the same protection and relief as granted to naval personnel.

80. Insurance.—For protecting the payment of premiums on commercial life insurance, under Article IV of this act, see paragaph 64.

81. Eviction for nonpayment of rent.—Dependents of persons in naval service whose rental payments do not exceed $80 per month may claim the protection of this act for a period not exceeding 3 months, providing ability to pay is materially affected by reason of such naval service, but the court may enter such order as may be just. The Secretary of the Navy may order an allotment of the pay of a person in naval service in a reasonable proportion to discharge the rent of premises occupied for dwelling purposes by the wife, children, or other dependents of such person.

82. Contract obligations secured by mortgage and leases.—*a.* Contracts entered into prior to the period of naval service of the individual either by the individual or his dependents come under the protection of the act, and where nonpayment results because of naval service, the proper court may provide for deferment in payments or for such other relief as the facts warrant.

b. Where a proceeding to foreclose a mortgage upon or to resume possession of personal or real property, or to rescind or terminate a contract for the purchase thereof, has been stayed, the court may, unless in its opinion an undue hardship would result to the dependents of the person in naval service, appoint three disinterested parties to appraise the property and, order such sum, if any, as may be just, paid to the person in naval service or his dependents, as a condition of foreclosing the mortgage, resuming possession of the property, or rescinding or terminating the contract. Leases covering the premises occupied for dwelling, business, agricultural, or similar purposes, executed by or on the behalf of a person who subsequently enters the military service, is subject to termination through a notice in writing given to the lessor or his agent by such person at any time following the

beginning of the period of his naval service, but this action may be reviewed by an appropriate court.

83. Taxes.—A person may, at any time during his period of naval service or within 6 months thereafter, apply to a court for relief in respect to any tax (including taxes on income both State and Federal, or taxes on real or personal property) whether falling due prior to or during his period of naval service, and if the court be of the opinion that such person's ability to pay such indebtedness has been materially impaired by reason of his naval service, may stay the enforcement thereof during the applicant's period of naval service and for six months thereafter. For information relative to Federal Income taxes due by persons outside of the continental limits of the United States, see section XIX.

NOTE.—As a patriotic contribution to the welfare of the armed services, the American Bar Association in cooperation with the State Bar Associations has established committees in each State to provide the necessary legal counsel, without charge, for those in the military service who could not reasonably be expected to employ their own counsel. Many of the problems that will necessitate legal counsel will, no doubt, arise in connection with the provisions of the Soldiers and Sailors Civil Relief Act of 1940 as amended; however, such legal service need not be limited to this. All inquiries should be addressed to the State Chairmen, a list of whom, effective April 1, 1943, follows:

E. Burns Parker, Federal Building, Montgomery, Ala.; Fred Blair Townsend, Luhrs Tower, Phoenix, Ariz.; A. L. Barber, 1408 Donagher Building, Little Rock, Ark.; Arnold Praeger, Rowan Building, Los Angeles, Calif.; Benjamin E. Sweet, 725 E and C Building, Denver, Colo.; Samuel H. Platcow, 152 Temple Street, New Haven, Conn.; Hon. P. Warren Green, Equitable Trust Building, Wilmington, Del.; William R. Lichtenberg, National Press Building, Washington, D. C. (Committee on Legal Assistance for Servicemen); Charles A. Mitchell, Vero Beach, Fla.; Hugh Dorsey, Jr., 1425 C and S National Bank Building, Atlanta, Ga.; William F. Galloway, Boise, Idaho; George S. McGaughey, 226 W. Washington Street, Waukegan, Ill.; Jeremiah L. Cadick, Fletcher Trust Building, Indianapolis, Ind.; Tim J. Campbell, 505 Maytag Building, Newton, Iowa; Harry W. Colmery, National Bank of Topeka Building, Topeka, Kans.; Everett E. Steerman, Emporia, Kans. (cochairman); Henry J. Stites, Starks Building, Louisville, Ky.; Alvin R. Christovich, 1914 American Bank Building, New Orleans, La.; Clement F. Robinson, 85 Exchange Street, Portland, Maine; B. Harris Henderson, 231 St. Paul Street, Baltimore, Md.; Francis X. Reilly, Keating Building, Westborough, Mass.; Carl H. Smith, Bay City Bank Building, Bay City, Mich.; Hon. Albin S. Pearson, District Court, St. Paul, Minn.; Forrest G. Cooper, Indianola, Miss.; Harry S. Rooks, 407 North Eighth Street, St. Louis, Mo.; J. B. C. Knight, Anaconda, Mont.; Barton H. Kuhns, 330 First National Bank Building, Omaha, Nebr.; John E. Robinson, First National Bank Building, Reno, Nev.; Louis E. Wyman, 45 Market Street, Manchester, N. H.; Hon. Richard Hartshorne, Hall of Records, Newark, N. J.; Hon. John C. Watson, Santa Fe, N. Mex.; Edward Schoeneck, State Power Building, Syracuse, N. Y.; John S. Bradway, Durham, N. C.; Andrew Joyner, Greensboro, N. C.; O. B. Burtness, Grand Forks, N. Dak.; Lawrence C. Spieth, Union Commerce Building, Cleveland, Ohio; Randell S. Cobb, Assistant Attorney General, Oklahoma City, Okla.; Hon. Walter L. Tooze, Sailing Building, Portland, Oreg.; Joseph W. Henderson, Packard Building, Philadelphia, Pa.; W. L. Frost, 1016 Union Trust Building, Providence, R. I.; Pinckney L. Cain, 1001 Palmetto Building, Columbia, S. C.; Clifford A. Wilson, Hot Springs, S. Dak.; J. Mac Peebles, National Life Building, Nashville, Tenn.; Claude V. Birkhead, 1512 Majestic Building, San Antonio, Tex.; H. P. Thomas, Templeton Building, Salt Lake City, Utah; John J. Deschenes, Burlington, Vt.; A. Russell Bowles, Mutual Building, Richmond, Va.; Thomas H. Willcox, National Bank of Commerce Building, Norfolk, Va.; Charles H. Paul, White Building, Seattle, Wash.; Charles McCamic, National Bank of West Virginia Building, Wheeling, W. Va.; Reginald I. Kenney, Wells Building, Milwaukee, Wis.; Marshall S. Reynolds, Cheyenne, Wyo.

SECTION XVIII

AUTOMOBILE

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84. **Title.**—The ownership of an automobile is determined not by possession but by the certificate of title, usually on file with the State bureau of motor vehicles. Where the title of an automobile is in the name of a husband only, in the event of his death the wife cannot keep the car without court order, and it becomes a part of the husband's estate, subject to sale, if such is necessary, to carry out the orders of the probate court. It is important, therefore, that title be held in the name of the husband and wife "jointly with right or survivorship." In the event of death under such circumstances, the car automatically becomes the property of the survivor.

85. **Change of title.**—Where an automobile is now held in individual ownership, this can be changed by forwarding a proper application to the State bureau of motor vehicles wherein the car is registered, asking that the title be placed in the name of the husband and wife "jointly with right of survivorship." Upon the death of either party, notice of this fact should be given to such bureau and the title will be then vested in the survivor. If the car is sold while title is held jointly, both husband and wife must sign the bill of sale to change the title to the purchaser.

86. **Insurance.**—Whether or not the automobile is owned jointly, the policy of insurance should cover the husband and/or the wife and in addition any other member of the family who drives the car. Fire, theft, public liability and property damage, and collision are the usual policies carried.

SECTION XIX

FEDERAL INCOME TAX RETURNS AND PAYMENTS

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87. **Protective provisions.**—*a. Statutory.*—The Act of Congress approved March 7, 1942, provides that when any individual in the naval service is (*a*) a prisoner of war or otherwise detained by any foreign government with which the United States is at war, or (*b*) on duty outside the continental limits of the United States (meaning the United States and the District of Columbia) when a Federal income-tax return would otherwise become due or Federal income tax become payable, then such return or payment shall not become due until one of the following dates, whichever is the earliest:

(1) The fifteenth day of the third month following the month in which the individual ceases to be a prisoner of war, or to be detained by any foreign government with which the United States is at war, or to be a member of the military service on duty outside the continental United States.

(2) The fifteenth day of the third month following the month in which the present war is terminated, as proclaimed by the President.

(3) The fifteenth day of the third month following the month in which an executor, administrator, or conservator of the estate of the taxpayer is appointed.

b. Personal.—Make available for your dependent a copy of the last income-tax return filed.

SECTION XX

MEDICAL AND HOSPITAL TREATMENT OF DEPENDENTS

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88. Entitlement.—Under regulations prescribed by the Secretary of the Navy in accordance with law, dependents of naval personnel are entitled to medical and hospital treatment when appropriate facilities of the Medical Department of the Navy are available.

89. Medical attendance.—Medical officers on duty at navy yards and naval stations are authorized to furnish dispensary and out-patient treatment to members of the families of naval personnel, active and retired, residing within the yard or station or within such reasonable distance of the dispensary as may be determined by competent authority. Medical officers on detached duty also may be designated by the Navy Department to attend families of naval personnel residing within a prescribed area. Except in cases of emergency, medical attention will be available only during the regular working hours of the yard, station, or office, and provided it may be accorded without interference with the medical officer's other duties. Officers and enlisted men will exact of their families' consideration in their relations with medical officers and will require those who are physically able to visit the dispensary wherever one has been established.

90. Hospitalization.—*a.* Certain Naval Hospitals have been designated to admit dependents of naval personnel within the limits of the accommodations available, for which a uniform charge of $3.75 per day has been prescribed. On admission the patient, or the agent on whom the patient is dependent, shall deposit sufficient funds to cover charges for the probable number of days of hospitalization, or for such advance period as the commanding officer may consider reasonable, and thereafter shall maintain sufficient funds on deposit to cover additional advance periods. Any sum deposited in excess of the number of days of hospitalization will be returned upon discharge of the patient.

b. Application for admission will be made through the medical officer in attendance on the case or to the commanding officer of the hospital direct, who shall determine the availability of suitable accommodations and the need for hospitalization. Dependents shall be admitted only for acute medical and surgical conditions exclusive of nervous, mental, or contagious diseases, chronic conditions or those requiring domiciliary care.

Coast Guard.—Under authority of the Secretary of the Navy, dispensary and out-patient treatment and hospitalization at certain Naval Hospitals may now be furnished to dependents of Coast Guard personnel under the same requirements and conditions in all respects as apply to dependents of the personnel of the Navy and Marine Corps.

91. Dental treatment.—No dental treatment will be administered.

92. Who may be eligible.—Dependents as construed by the regulations shall include only a lawful wife, unmarried child (or children) under age 21, and the mother and father of the officer or enlisted man if in fact dependent. The term "child or children" shall include a natural or adopted child or stepchild. The widows of deceased naval personnel, active or retired, also shall be entitled

to the same privileges. Dependents of personnel of the Regular Navy, Marine Corps and Coast Guard, including those on the retired list, of Reserves on active duty other than training duty, and of members of the Fleet Reserves transferred thereto after 16 or 20 years of service are eligible for this care by the Medical Department.

93. Proof of dependency.—The application of a dependent for medical care should be accompanied with a "Dependent Identification Certificate" completed by the officer or enlisted man on whom the applicant claims dependency. Dependents should not wait until medical treatment is necessary to get this certificate completed. It may be obtained at any time by the dependent through the nearest naval activity or by the officer or enlisted man concerned so that it may be immediately available should occasion arise for its use.

94. Medical care by other than the Medical Department of the Navy.—Except as stated in the next succeeding paragraphs, there is no authority of law or regulation under which the Navy may pay the costs of civilian medical or hospital care for dependents, or provide for such care by other federal medical services, such as the Army or Veterans' Administration. Only medical and hospital care by and within the available facilities of the Medical Department of the Navy can be rendered.

95. Obstetric, prenatal and postnatal care under Children's Bureau.—*a.* Arrangements have been made by the Children's Bureau of the United States Department of Labor with the State Health Agencies of certain States to provide medical, nursing, and hospital maternity and infant care for wives and infants of enlisted men in the armed forces of the United States of the fourth, fifth, sixth and seventh pay grades. There is no charge for this service which includes obstetric, prenatal, and postnatal care.

b. Dependents of naval personnel can obtain information as to the availability of this service from the nearest State, county, or city public health agency or the home service of the local Red Cross chapter. Authorization for this service should be obtained from the local Public Health Agency by the physician or clinic chosen by the patient.

c. This provision expires on June 30, 1943, although there is now legislation before Congress to continue it throughout the fiscal year 1944.

Section XXI

NAVY RELIEF SOCIETY

Washington, D. C.

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96. Purpose.—The Navy Relief Society was incorporated January 23, 1904, under the laws of the District of Columbia to fill the need for an organization which would relieve personal distress in the families of naval personnel when the source of support had been incapacitated by disability or removed by death. The primary responsibility of the Navy Relief Society is to provide relief and aid for dependent widows, minor orphan children and dependent mothers of missing and deceased naval personnel, which includes personnel of the Marine Corps and of the Coast Guard while acting as a part of the Navy in time of war. In addition, the Society assists in providing hospitalization, medical and surgical care for dependents of naval personnel and gives financial aid, in time of emergency need to naval personnel and their dependents. Wherever possible de-

pendents are assisted in meeting and solving their problems by giving them wise counsel, a well considered plan, help in finding employment and in other ways not involving financial expenditure. Every effort is made to grant relief promptly. The only delay is the time required to make a preliminary investigation to determine the merits of the case.

97. Scope.—The Organization serves the personnel of the Navy of the United States regardless of rank, rate or length of service. The funds of the Society are raised by voluntary contributions, by payment of membership dues, and from the proceeds of entertainment, and benefits usually provided by naval personnel. Relief may be granted in the form of money as a gratuity, or a loan without interest, and by assistance in securing pensions, six months gratuity, insurance, allotments, and other benefits.

98. Where and how to apply.—*a.* The Navy Relief Society has been decentralized to effect prompt action. Auxiliaries of the Society have been established at all of the larger naval stations in the United States, including Hawaii and the Canal Zone, and Branches of these Auxiliaries are in operation at some of the smaller stations. Additional Auxiliaries and Branches are being established as the needs for them arise. The American Red Cross cooperates with the Navy Relief Society in assisting those who reside in areas not served by an Auxiliary or Branch.

b. Naval personnel should apply to the local Auxiliary or Branch for relief for themselves or their families, and to the Red Cross in those localities not served by an Auxiliary or Branch. The Red Cross should be informed that the assistance of the Navy Relief Society is desired. These cases are referred by the Red Cross to the headquarters of the Society in Washington, D. C., for action. Dependents of naval personnel should likewise apply to an auxiliary or a branch of the Navy Relief Society, or to the Red Cross. They may apply to the Navy Relief Society, Anderson House, Navy Department, Washington, D. C., if representatives of the Navy Relief Society or Red Cross are not available in their locality. Dependents should include in their application the full name of the service man upon whom they are dependent together with his rank or rate, service number, and last known mailing address.

Section XXII

CHAPLAINS AND THEIR SERVICES TO NAVAL PERSONNEL AND THEIR DEPENDENTS

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99. General.—Chaplains in the Navy are prepared to be of service to all the personnel in the command to which they are attached. Furthermore, all Chaplains are always available and on call, as circumstances permit, to the personnel of units to which Chaplains are not attached. Through experience and indoctrination Naval Chaplains are prepared to furnish counsel, advice, or information which may be of value to service personnel in solving almost every type of problem—personal, secular, and religious. There is the widest possible cooperation between the Chaplains of the various denominations and there need be no hesitation on the part of any person in conferring with the local Chaplain who