

2-5. Persons eligible to receive legal assistance

a. The following persons are eligible to receive legal assistance (and, where noted, within the limitations described):

(1) Active Component (AC) members of the Armed Forces of the United States (and their family members).

(2) RC members of the Armed Forces of the United States

who—

(*a*) Are serving on active duty pursuant to orders for more than 29 days (and their family members).

(*b*) Are serving on active duty pursuant to orders for a period of 29 days or less (and their family members). (Supervising attorneys may limit legal assistance to emergencies or to certain categories of cases based on availability of expertise or resources.)

(*c*) Are undergoing premobilization legal preparation (PLP) (and their family members). (Supervising attorneys may limit legal assistance based on availability of expertise or resources.)

(3) RC members of the Armed Forces of the United States, other than those listed in paragraph 2-5*a*(2), receive legal assistance from RC judge advocates as indicated in subparagraphs (a) through (d) below. (RC supervising attorneys may limit legal assistance to emergencies or to certain types of cases based on the availability of expertise or resources.)

(*a*) To RC members on military administrative matters (para 3-6g).

(*b*) To RC members and their family members as part of PLP.

(*c*) To RC members assigned to TPUs or as individual mobilization augmentees (IMAs), or alerted for mobilization, or personal legal problems and needs that may adversely affect readiness.

(*d*) To RC members on personal legal problems and needs that have arisen from, or been aggravated by, their mobilization. (Such assistance must commence not later than two years following the mobilized member's release from active duty.)

(4) AC and RC members of the Armed Forces of the United States who are receiving military retirement or disability pay (and their family members).

(5) Surviving family members of AC, RC, and retired members of the Armed Forces of the United States who would be eligible for legal assistance if the service or retired member were alive.

(6) Department of Defense (DOD) civilian employees (including DA employees)—

(*a*) Against whom pecuniary liability has been recommended under AR 735-5 with regard to presenting matters in rebuttal to, or on appeal from, such charges.

(*b*) Who are serving with the Armed Forces of the United States in a foreign country (and their family members who accompany them).

(*c*) Who have accepted employment outside the United States or who, if already on such duty, return to the United States on home leave (and their family members who will accompany or have accompanied them). (Legal assistance is limited, as determined by the supervising attorney, to matters that relate to processing for employment or, for an employee on home leave, to help with an ongoing legal assistance matter being handled outside the United States.)

(*d*) Who are in the United States, its possessions, or territories, and who are designated as "mission-essential" or "emergency-essential" civilian personnel, (and their family members on deployment related matters, but only while the employee is deployed). (By virtue of this designation, at any time while they are encumbering such designated positions, these employees may receive legal assistance on matters related to their actual or possible deployment to a combat zone or on a contingency operation. Legal assistance is limited to matters, as determined by the supervising attorney, that relate to deployment. Legal assistance is authorized for employees and family members for a reasonable period after the employee returns from deployment to close out ongoing legal assistance matters related to deployment that arose before or during deployment.)

(*e*) Who are neither "mission-essential" or "emergency essential," but who work in the United States, its possessions, or territories, and who are notified that they are to deploy to a combat zone or on a contingency operation (and their family members on deployment related matters, but only while the employee is deployed). (These employees may receive legal assistance on matters related to their imminent or actual deployment. Legal assistance is limited to matters, as determined by the supervising attorney, that relate to deployment. Legal assistance is authorized for employees and family members for a reasonable period after the employee returns from deployment to close out ongoing legal assistance matters related to deployment that arose before or during deployment.)

(7) Civilian contractors accompanying the Armed Forces of the United States outside the United States (and their family members who accompany them), when DOD is contractually obligated to provide this assistance to such personnel as part of their logistical support, as indicated below:

(*a*) The legal assistance provided must be in accordance with—and not prohibited by—applicable international agreement, or approved by the host-nation government in some way.

(*b*) Legal assistance is limited to ministerial services (for example, notarial services), legal counseling (to include the review and discussion of legal correspondence and documents), legal document preparation (limited to powers of attorney and advanced medical directives (AMDs) and help on retaining civilian lawyers. (See paras 3-7*a*, *b*, *e*, and *i*).

(*c*) SJAs should recommend elimination of such contractual obligations whenever these contracts are reviewed or renegotiated.

(8) PNOK (as defined in AR 600-8-1, para 4-1*a* (20 Oct 94)), executors, personal representatives, administrators, and legally recognized estate representatives for matters relating to the settlement of estates of—

(*a*) AC or RC service members who die while in a military duty status.

(*b*) U.S. citizens and nationals who are civilian employees of the Department of Defense and who are serving with or accompanying U.S. Armed Forces outside the United States at the time of their deaths.

(9) Fiduciaries, including those who hold powers of attorney, who have been appointed by those listed below to manage their property or handle their personal affairs. (Legal services are limited to matters that would otherwise be within the scope of the legal assistance program if the grantor were present.)

(a) AC or RC service members who are serving in a combat zone or contingency operation.

(b) U.S. citizens and nationals who are civilian employees of the

Department of Defense and who are serving with or accompanying U.S. Armed Forces in a combat zone or contingency operation.

(1 0) Members of other military forces while serving in the United States (and their family members who accompany them).

(11) Prisoners who, although discharged from military service, still remain confined within a U.S. military confinement facility.

b. A person seeking legal assistance will provide proof of eligibility prior to receiving legal assistance by displaying a military identification card, such as DD Form 2A (U.S. Armed Forces Identification Card), a DD Form 1173 (Uniform Services Identification and Privilege Card), military orders, or other documentation. See AR 600-8-14. Legal assistance may be provided over the telephone to a person claiming to be an eligible client only in the absence of a reasonable alternative.

c. In foreign countries, host-nation laws and status of forces agreements may limit the availability of legal assistance to certain categories of personnel who would otherwise be eligible for legal assistance under this regulation.