

INSTRUCTION SHEET FOR FORM CA 114, SERVICEMEMBERS AFFIDAVIT

The Servicemembers Civil Relief Act (2003), 50 U.S.C. App. § 501 et seq. provides that in any civil action or proceeding in which a default has been entered by the Court the plaintiff is required to file an affidavit “stating whether or not the defendant is in the military service and [show] necessary facts to support the affidavit.” In order to better comply with the requirements of the Servicemembers Civil Relief Act, the District of Columbia Superior Court has created Form CA 114, Servicemembers Affidavit, and amended Civil Rules 55 and 55-II and Landlord and Tenant Rules 11, 14, and 14-I to require the use of Form CA 114 in all proceedings in the Civil Division in which a default has been entered. (Form CA 114 is required in Small Claims cases pursuant to Small Claims Rule 2 which incorporates Civil Rules 55 and 55-II). Please note, a separate affidavit must be filed for each defendant named in the complaint and against whom a default has been entered.

This instruction sheet is intended to provide basic directions on how to complete Form CA 114. If you have any additional questions about how to fill out Form CA 114 or complete a search to determine the military status of a litigant, please consult an attorney or visit the Landlord-Tenant Resource Center, Small Claims Resource Center or Tax-Lien Resource Center. Information for the Resource Centers is provided below.

L&T Resource Center Bldg. B, 510 4 th Street, N.W., Rm. 115 Washington, DC 20001 202-508-1710 Mon.-Fri., 9 a.m. to Noon	Small Claims Resource Center Bldg. B, 510 4 th Street, N.W., Rm. 102 Washington, DC 20001 202-508-1652 Wed.-Thurs., 9 a.m. to Noon	Tax-Lien Resource Center Moultrie Bldg., 500 Indiana Ave., N.W., Ctrm. 205 Washington, DC 20001 Wednesdays 10 a.m. to Noon
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How to Complete Form CA 114:

1. Fill-in name of “Plaintiff/Landlord” and “Defendant” along with the case number on the top of the Form.
2. Type or print clearly the name of the person signing the Form. That person will be swearing to the veracity of the information contained in the form.
3. In Section 1, check the indicating whether the person signing the Form is the “plaintiff” or the “plaintiff’s agent.” If that person is the plaintiff’s agent, then indicate the relationship to the plaintiff in the line provided.
4. In Sections 2 and 3, the person signing the Form is swearing that the affidavit is completed pursuant to the Servicemembers Civil Relief Act and that he or she has “caused a careful investigation to be made to ascertain whether the above named defendant is in the military service.”
5. If after careful investigation the plaintiff or plaintiff’s agent determines the defendant is not in the military service, check the in Section 4, subsection A. *If Section 4, subsection A does not apply please skip to instruction #7.*

6. After checking the in Section 4, subsection A, the person completing the Form must check one or more , indicating to the court the basis for knowing that the defendant is not in the military service. The various options that plaintiffs may use to provide evidence of defendant's non-military status are discussed below:
 - a. The quickest and easiest method to determine the military status of a defendant is by conducting an online search through the Department of Defense Manpower Data Center (DMDC) at <https://www.dmdc.osd.mil/scra/owa/home>. For more information on how to use the DMDC search engine please see the attached "Servicemembers Civil Relief Act (SCRA) Web Site" information sheet. A plaintiff using the DMDC must attach a printed copy of the certificate generated by the search engine showing that the defendant is not in the military service.
 - b. The military status of a defendant may also be determined by contacting each branch of the military. Please see the attached information sheets containing the contact information for each branch (also available at <http://www.defenselink.mil/faq/pis/PC09SLDR.html>.) A plaintiff using this method to determine the defendant's military status must attach a response from each branch to the Form.
 - c. If the defendant, or one of the defendants, is not an individual then no investigation is required and the plaintiff may check the third under subsection A. (Please note, however, that if a default has been entered against both a business entity and an individual defendant, then the plaintiff must conduct an investigation of the individual defendant's military status and file an affidavit for that individual.)
 - d. The plaintiff, or his or her agent, may determine the defendant's military status by personally asking the defendant and providing the date on which the conversation occurred. The conversation must be contemporaneous to the entry of the default.
 - e. The plaintiff, or his or her agent, may determine the defendant's military status by personally asking another individual who has sufficient reason to know the military status of the defendant. If using this option to determine the defendant's military status, the person completing the Form must provide the date of the conversation, the name of the individual and that person's relationship to the defendant, and the reason why the individual knows the defendant's military status. The conversation must be contemporaneous to the entry of the default.
 - f. The person filing out the Form is not limited to the specified options as discussed above and may have some other reason to know the defendant's military status. Any additional reason(s) must be explained and will be reviewed by the Judge sitting in the Landlord and Tenant Branch.
7. If, after a careful investigation, the plaintiff cannot ascertain the defendant's military status, the person completing the Form must check the in Section 4, subsection B and give an explanation of the efforts that have been made to determine the defendant's military status. If the in subsection B is checked a status hearing will be set by the Clerk's Office for the Court to determine the next course of action consistent with the provisions of the Servicemembers Civil Relief Act.
8. If, after a careful investigation, the plaintiff has determined that the defendant is in the military service, the person completing the Form must check the in Section 4, subsection C and provide facts supporting the determination of the defendant's military

status. If the in subsection C is checked a status hearing will be set by the Clerk's Office for the Court to determine the next course of action consistent with the provisions of the Servicemembers Civil Relief Act.

9. The plaintiff may check the in Section 4, subsection D and attach a written waiver signed by the defendant in which the defendant waives his or her rights under the Servicemembers Civil Relief Act. Pursuant to Section 107 of the Act, the waiver must be contained in a written document, in 12-point type, and signed by the defendant during or after his or her military service. See 50 U.S.C. app. 517 (2003).
10. In Section 5, the person signing the Form is certifying and declaring under penalty of perjury that the information contained in the Form is true. The Servicemembers Civil Relief Act provides that any person who files an affidavit "knowing it to be false, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both." 50 U.S.C. App. § 521(c). The Form does not need to be notarized since the Act states that the affidavit requirement may be satisfied by a "statement, declaration, verification, or certificate in writing, subscribed and certified, or declared to be true under penalty of perjury." 50 U.S.C. App. §521(b)(4).

Servicemembers Civil Relief Act (SCRA) Certificates

To obtain certificates of the defendant's military service status or non-military status you can use the Defense Manpower Data Center website (<https://www.dmdc.osd.mil/scra/owa/home>) discussed in page 2 of this instruction sheet. Additional information about the DMDC website is also contained in pages 5-7 of this instruction sheet. There is no charge for the certificate generated by the DMDC website.

You can also receive certificates of service or non-service under the Servicemembers Civil Relief Act by sending correspondence to each of the following branches listed below. The charge for each SCRA certificate is listed with the address of each branch. Checks should be made payable to "Treasurer of the United States".

ARMY:

Army World Wide Locator Service
Enlisted Records and Evaluation Center
Indianapolis, IN 46249-5031
Note: All requests must be in writing
Enclose \$5.20 for each SCRA certificate

Enclose \$5.20 for each SCRA certificate

NAVY:

Bureau of Naval Personnel
PERS-312E
5720 Integrity Drive
Millington, TN 38055-3120
(901) 874-3388
Enclose \$5.20 for each SCRA certificate

COAST GUARD:

Coast Guard Personnel Command
CGPC-ADM-3
2100 Second Street, NW
Washington, DC 20593-0001
(202) 267-1340
Enclose \$5.20 for each SCRA certificate

OR

Send e-mail with person's full name to:
ARL-PF-CGPCCGlocator@uscg.mil

AIR FORCE:

Air Force Manpower and Personnel
Center
ATTN: Air Force Locator/MSIMDL
550 C Street West, Suite 50
Randolph Air Force Base, TX 78150-4752
Locator Service: (210) 652-5775
Enclose \$5.20 for each SCRA certificate

NATIONAL OCEANIC AND ATMOSPHERIC

ADMINISTRATION (NOAA):
Commissioned Personnel Center
1315 East-West Highway, Room 12100
Silver Spring, MD 20910
(301) 713-3444
No Charge for SCRA Certificate

MARINE CORPS:

Commandant of the Marine Corps
Headquarters, U.S. Marine Corps
(MMSB10)
2008 Elliott Road, Suite 201
Quantico, VA 22134-5030
Locator Service: (703) 784-3942 or
(703) 640-3943

PUBLIC HEALTH SERVICE:

Office of Commissioned Corps
1101 Wootton Parkway, Suite 100
Rockville, MD 20852
(240) 453-6000
No Charge of SCRA Certificate

Service members Civil Relief Act (SCRA) Web Site

<https://www.dmdc.osd.mil/scra/owa/home>

Background Information Benefits and Features of the SCRA Web Site Detailed Help

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Below is general information about the nature and purpose of the SCRA web site as well as detailed instructions on features. Also carefully read the SCRA Privacy Act Statement and Privacy and Security Notice at <https://www.dmdc.osd.mil/scra/owa/info.advisory>

Background Information

The Service members' Civil Relief Act (SCRA) web site is hosted by the Defense Manpower Data Center (DMDC), an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database. The DEERS database is the official source of data on eligibility for military medical care and other eligibility systems. The DoD strongly supports the enforcement of the Service members' Civil Relief Act [50 USCS Appx. §§ 501 et seq] (formerly the Soldiers' and Sailors' Civil Relief Act of 1940).

Benefits and Features of the SCRA Web Site

The SCRA web site provides an ability to verify whether an individual is currently serving on active duty in the US military. The Service members' Civil Relief Act provides important safeguards to members on active duty in the area of financial management including rental agreements, security deposits, eviction, installment contracts, credit card interest rates, mortgages, civil judicial proceedings, and income tax payments. This web site helps Service members verify they are serving on active duty and are therefore eligible for the protections of the SCRA. Historical information is not available through this web site.

Users input required personal data about an individual and submit the query. The web site returns a "certificate" stating DMDC possesses or does not possess information indicating the individual is currently serving on active duty. There is no charge for the certificate.

On the certificate, DMDC reports back the personal information entered into the query form by the user; no other personal data on the individual is provided on the certificate.

See "Detailed Help on SCRA Features" below for how information is used in the verification process.

Web Site Digital Certificate

This web site encrypts all internet communications between your computer and the DMDC SCRA Web Site using SSL standards set by the Department of Defense. Under normal circumstances, SCRA web pages are automatically encrypted using a DoD certificate public key. If the certificate is not installed on your computer, you may experience security alerts from your Browser. The certificate is required to be used to send Privacy Act data in an encrypted form across the internet. The SCRA web site is using a standard DoD certificate, but most web browsers don't come with the DoD certificates already installed. The best and most secure solution is for the user to install all of the DoD's public certificates in their web browser. That can be done by following the Public Key instructions at <http://dodpki.c3pki.chamb.disa.mil/rootca.html>. These are the official instructions provided by the Defense Information Systems Agency (DISA), which handles such security matters for the DoD. For corporations, businesses or individuals with a local systems administrator, we recommend that installation of the DoD certificate be handled at the IT policy level through coordination with the local systems administrator. Once these certificates are installed, your browser should not display security warnings, as the certificate will be recognized by the user's browser.

User Access

Access to the SCRA web site is not restricted. However, the intent of the SCRA web site is to handle individual queries by users to generate individual reports.

Each provided Social Security Number (SSN), last name, and date of birth are recorded with the requesting client IP address, Report ID, and timestamp for audit purposes. The application is not set up to handle automated scripts; DMDC identifies automated scripts at a threshold of 1000 hits per hour and may reserve the right to turn off access to IP addresses generating high traffic levels if these levels would deny access to individual users.

Alternative Method: Active Duty Verification by Email For historical information, or if you do not have sufficient personal information to use this web site, you may verify an individual's active duty status through the Military Services. Contact information for each Service Headquarters is listed on this "defenselink.mil" web site: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

General Web Site Assistance

For general web site assistance, you may contact the DMDC by mail. ***NEVER** send personally identifying information via unencrypted email, nor in an unprotected format.*

Defense Manpower Data Center
Attn: Military Verification
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

Detailed Help on SCRA Features

The user interface has two features: (A) a simple data entry / query screen; and (B) a report/certificate page.

(A) **Query Screen** Search Criteria and Guidelines.

1. Required Input: Enter valid SSN and Last Name, OR valid Last Name and Date of Birth.
2. To avoid mismatches, all data must be entered twice.
3. Last name is:
 - o not case-sensitive
 - o matched on first 3 letters if provided with valid SSN
 - o matched on complete name if provided with date of birth but without an SSN (an exact match of last name is required)
 - o listed on the certificate exactly as entered in the query screen.
4. First name and middle name:
 - o are optional
 - o assist to more specifically identify an individual
 - o are listed on the certificate exactly as entered in the query screen
5. Date of Birth:
 - o must be greater than December 1899
 - o must include four-digit year (YYYY) and month
 - o is used to help uniquely identify an individual
 - o is not listed on the certificate.
6. Click "Lookup"; the certificate is generated in a new browser window.

Input must match a unique person in DEERS for DMDC to certify that the individual is on Active Duty. Although statistically improbable, it is possible that multiple active duty matches may exist based on the provided information. The DMDC cannot provide verification of active duty status in this case. To ensure that this does not happen, always provide a Date of Birth if you have this information.

(B) Certificate Page.

1. To execute a certificate, complete all the fields in the Query Screen, then click "Lookup."
 - A second browser window opens with the certificate.
 - Print using your browser's Print button or File/Print commands.
2. The certificate itself displays:
 - Certificate Date and Time.
 - Last Name, and first/middle names (if provided).
 - A statement about whether DMDC possesses or does not possess information regarding whether the individual is currently on active duty. In the latter case, there are a variety of statements possible depending how much information is able to be matched with a DMDC record.
 - 1) Example 1: "Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty." (No other information is provided.)
 - 2) Example 2: "Based on the social security number you have provided, the individual is currently on Active Duty. However, the last name, or partial Date of Birth, or both provided do not match the individual against whom the social security number is assigned."
 - Signature by the Director, DMDC.
 - A unique report identifier ("Report ID") on the bottom of the page.
3. To make additional certificates, go back to the main window, click "Erase" and enter new information.