

RAMIC Rota

Retiree Newsletter



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Lt. Scott Stoebner, Naval Legal Service Officer Visits RAMIC

Naval Legal Service Officer explains Wills and Living Wills

By David Strout



Lt. Scott Stoebner, Naval Legal Service Officer

Lt. Scott Stoebner at Legal Service Office 956-82-2531, offers retirees legal assistance, powers of attorney, wills, living wills, etc. Senor Ruiz-Mateos a Spanish lawyer or other Spanish lawyers on the local economy are prepared to answer questions concerning Spanish law. Questions about the Agreement on Defense Cooperation (ADC) can be answered by the SJA.

It is possible to use an American will in Spain. How may this be done? It is complicated by the way in which Americans treat a will and the way Spaniards treat wills. In America a will is treated as a private document. The will is controlled by the individual until the time comes to probate the will. In Spain the will is a public document like a death or birth certificate. Problems occur when you try to convert American will into the Spanish legal system.

If you have an American will, step one is to get it certified by the American Consulate or the Embassy. The American individual must prove he is an American citizen and a resident of a particular State. Secondly, the will must be in conformity with that State's laws. The Embassy relies on base legal services telling them that the

information is appropriate and the individual can have this will. Then the Embassy will certify it.

The next step is international certification. You must have the will translated and the Embassy certification translated. Then take it to a Spanish court to be recognized by a Spanish judge. Finally you take it to a Spanish Notary Public and have your American will registered and notarized on record in Spain. If you want to do this come in to Legal Services Office and let Senor Ruiz-Mateos take an hour or so to explain it to you in detail.

An American will can be done quickly at the office. Contact the front desk and NLSO will give you a form to fill out or send it to you by email, if you prefer to fill it out at home. If you want to use it as your will in Spain you must go through the process outlined above. If you are returning the United States you may wish to stay within the U.S. legal system only.

There are many legal ways to avoid the probate process. The probate process is initiated by your survivors. They take your will to court. The court would award executive powers to execute the will, change the title of all your property, file your last tax return and wind up your estate. It can be a complicated process, but it is getting easier.

Outside the standard probate process there are ways to transfer property. Some investment and life insurance tools can be used to skip it all together.

Beneficiary designations can be found in life insurance contracts. Those will be paid out according to who you designate in that policy as the beneficiary and this process has nothing to do with your will. Whatever you say on this contract is what has legal control. Bank accounts, investments, etc. can also contain beneficiary designations. Contractual provisions are not probated.

Trusts can be set up while you are alive. You can transfer property out of your own name and put it in a trust for your spouse, other family member, etc. while you are still alive. This kind of trust must be set up in the States. Base legal services is not authorized to do it. The office can answer your questions concerning trusts. They can help you with simpler type estate planning. The office is a good starting point if you are interested in trust issues.

If you own property in a particular State back in the US and its title will have to be changed under the will, you will also have to probate that will in that particular State in addition to wherever else you are. If you own property in three different States, your executive will have to go to all three States and file the will locally. In order to change the title of the property you have to go through the local courts.

Joint Title with the right of Survivorship is a common way in which real property is titled for married couples. With this title, if one spouse dies, the surviving spouse becomes full owner of the property. That happens automatically without having to go through the probate process. This is another way to avoid probate court or going to three different States to change the title of the property.

The Living Will is a way that you control the disposition of your body. Medical powers of attorney is the right to pull the plug on your life support systems, in a terminal state, for example. The Living Will will not be honored in Spanish hospitals. The Naval Hospital honors Living Wills.

When you die your next of kin will have to sort through your documents and your will. You can save them a big head ache if you provide a list along with your will of all your creditors, bank accounts, insurance papers, credit cards, deeds to property, birth certificate, Social Security card, discharge records (DD 214s), etc. and where the

documents are located. If possible have all your important casualty documents centrally located where your next of kin will have easy access to them. Better yet, make up your list right now and send it to your next of kin by email.

Legal Services can also help with anything thing that can be considered a legal issue. They can give you legal advice and referral, help you get started in a legal process, help you with your income tax, Social Security, Survivors Benefits Plan, wills, powers of attorney and anything of a general legal nature. They can't defend your interests in court, but can refer you to lawyers who can in the States or in Spain. If you have court proceedings in the US they can review legal documents with you, help you with correspondence with the court, but can't represent you in court.

RAMIC meeting 9 May 2006

It came to RAMIC members' attention that base access is becoming difficult. When a retiree arrives at the Rota Air Terminal and no entry stamp is available for the passport, the retiree must go the National Comisaria de Policia in Rota to get it stamped before allowed to obtain a base pass and reenter the Naval Station. Another problem came up and that is now all information on the personal entry pass must agree with the information on the car pass. These two access problems are causing unnecessary delays to getting base access and a lot of inconvenience for retirees. RAMIC President, Henry Marquez said that RAMIC would look into it and work toward a better solution.

As of 1 May 2006 retirees may eat in the Gateway Dining Facility on base seven days a week, every meal. Many retirees attended the Mother's Day brunch where Steak and Lobster Tail were served. To us old-timers it is known as good old Surf 'n Turf. It was delicious! Thanks are in order to the galley staff for making this an outstanding Mother's Day.

Also we feel very grateful that the skipper took a positive view of the situation after RAMIC president privately presented the concern as well did the members-at-large during his meeting with RAMIC.

Duane Ortmann, RAMIC Treasurer Honored by Capt. Hampton By Henry Marquez

At a very special luncheon and meeting held 23 May in Chipiona, RAMIC treasurer Duane Ortmann was presented with a certificate signed by Captain Hampton.

This was in recognition of Duane's outstanding efforts in increasing RAMIC membership. His personal campaign and untiring work increased the membership from a few to more than 110. Everyone

congratulated Duane at the gathering. The members also thanked Duane and his lovely wife Conchi for the great spread catered at their son's cafeteria.

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RETIRED ACTIVITIES OFFICE

The following three letters are in reply to Col Carlos Soto's inquiry concerning Retiree privileges in Spain

Madrid, 30 Jan. 2006

Translated by David Strout

Mr. Carlos Soto

Colonel of the U.S. Air Force, (Retired)

Calle del Anzuelo, No. 3

Urb. Fuentebermeja

11500 Puerto de Santa Maria (Cadiz)

Dear Carlos Soto:

I received you letter in the name of the head of the Ministry of Defense. It explains that the U.S. Armed Forces retired military are not permitted to use the Exchange and Commissary that operate under the North American military authorities.

Given the subject material I have forwarded your letter to the Secretary General of Defense Politics so it may be studied and they may contact you directly.

Attentively,

***Miguel Lens Astray, General,
Director of the Division of
Technical Cabinet of the Spanish
Ministry of Defense***

Translated by David Strout

Madrid, 22 February 2006

Colonel Carlos Soto

Anzuel, 3, Urb. Fuentebermeja

11500 - Puerto de Santa Maria (Cadiz)

Dear Comrade at Arms,

Following the instructions of the Secretary General of Defense Politics I am answering your letter of the past 30th of January asking about the possibility to facilitate the access to Navy Exchange and Commissary administered by the USA in the Rota Naval Station to the military retirees of the United States.

I want to inform you that recently a modification to the Agreement of Defense Cooperation (ADC), behind the 2002 Amended Protocol was introduced. It consisted in authorizing retirees of the United States Forces of America who are residents in Spain and their dependents temporary access to the residential, social and recreational zones of the Spanish bases at Rota and Moron.

However, in the ADC article 49.1, there is no mention that retirees may use the Navy Exchange and Commissary facilities. This right is exclusively authorized for

members of the Force, civilian component, contract personnel and their dependents.

The situation of the retired military personnel has always been considered important to this Defense Ministry. For this reason we take note of your interest in this case. The fiscal implications will involve the Ministry of Economy and Income Tax. This could be considered in a wider and more dynamic margin of bilateral relations of defense material between our two countries regulated by the ADC in future negotiations.

A cordial greeting,

***General Juan Carlos Villamia
Ugarte, Director of the Technical
Cabinet of the Secretary General of
Defense Politics, Defense Ministry***

13 February 2006

Mr. Carlos A. Soto

PSC 819, Box 1995R

FPO AE 09642-1995

Dear Mr. Soto:

Thank you for your letter of 18 January 2006, in which you describe the plight of US military retirees in Spain. The Ambassador has referred your letter to me and asked me to respond. Thus, I would like to inform you that we are aware of the matter and are fully engaged. Indeed, Col Ulyssis S. Rhodes, Chief of the Office for Defense Cooperation (ODC), and his staff have engaged with representatives of the Spanish Ministry of Defense (MOD) on several occasions to try to find an appropriate resolution to the situation.

As you are aware, the Agreement on Defense Cooperation (ADC) governs the US - Spain bilateral relationship in Spain. The ODC, as the agency with competency to resolve issues arising out of the application of the ADC, is the organization that is best suited to assist you with your efforts. Should you have any further questions or concerns, please feel free to contact Col Rhodes or his Staff Judge Advocate at 91-549-1339.

***J. Robert Manzanares, Deputy Chief
of Misión, U.S. Embassy, Madrid***

Jess López

Inez Jesús (Jess) López former RAO Director and RAMIC member, died Friday, April 28th at the age of 78. The funeral was held at Our Lady of O Church in Rota, on Saturday. He was buried in the local cemetery. Jess was very well known on NAVSTA Rota and in the local area. He was retired Air Force, instrumental in the founding of the local retirees association and was one of its first presidents. He was very active in the Base Chapel and in the John J. Kestly - George Washington Masonic Lodge.

Surviving our brother-in-arms are his wife here in Rota and children in France and the U.S. -- Karen Lucas

Remember: keep your casualty papers updated and locatable by your spouse.

Social Work Services for Retired Members and Families

By Lopez de Lis, Macarena ES
mldelis@rota.med.navy.mil
Tuesday, May 30, 2006 3:12 PM

We help the patient to understand the plan of health care while the patient is admitted to a local Spanish health facility.

We help the patient get in touch with loved ones.

We assist family members or other support people to make lodging or transportation plans.

We coordinate with local community support groups and follow-up services in the Spanish community health programs.

We assist the patient with gathering information on insurance coverage by TRICARE, Spanish Social Security or other sources.

We explain the Medical Equipment "Loaner" Program and assist with access to local providers of medical equipment.

We provide general assistance with location and services provided by various local resources (sanitary and support).

We are a "walk-in" clinic and open to patients, family members, staff and visitors.

LOCATION: Department of Behavioral Services, Social Services, U.S.N.H. Rota Tel. ext. 3516 or (956 823516) off base.

EU lawmakers consider taxing emails, SMS messages



Friday May 26, 01:12 PM
By Darren Ennis

BRUSSELS (Reuters) - European Union lawmakers are investigating a proposed tax on emails and mobile phone text messages as a way to fund the 25-member bloc in the future.

A European Parliament working group is reviewing the idea, tabled by Alain Lamassoure, a prominent French MEP and member of the centre-right European People's Party, the assembly's largest group.

Lamassoure, a member of Jacques Chirac's UMP party, is proposing to add a tax of around 1.5 cents on text or SMS messages and a 0.00001 cent levy on every email sent.

"This is peanuts, but given the billions of transactions every day, this could still raise an immense income," he said.

Currently the EU budget is funded through a combination of import duties, value

added tax revenues and direct contributions from member states -- the so-called "Gross National Income resource", which is calculated according to wealth.

However, following a year-long battle over the current seven-year budget, agreed last December, it was decided that the way in which the EU is funded should be changed, with new proposals expected by 2008/2009.

A single "EU tax" has found support among many of the 25 EU governments, MEP's and the European Commission, the EU's executive arm. Other ideas include a tax on airline tickets and an extra levy on oil companies.

In Italy, the concept of a tax on texting was floated in the past, as a way to help offset the country's huge deficit, although it was flatly rejected by the outgoing government.

But Lamassoure argues that with billions of emails and texts sent around the world, it's a novel and simple way to raise funds from new technology.

"Exchanges between countries have ballooned, so everyone would understand that the money to finance the EU should come from the benefits engendered by the EU," he said.

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Update - Information You Need To Know About VA Stolen Data

June 2, 2006 -- To All Veterans and Spouses:

On May 3, personal information on 26.5 million veterans was stolen from the home of a Department of Veterans Affairs employee who was not authorized to take such information home.

Until you are contacted by the VA, every veteran should assume that they are affected by this loss of personal data, and act quickly to protect yourself from identity theft and fraud. Veterans should contact one of the three largest national consumer credit bureaus below and place a free three-month fraud alert on your file and, if married, your spouse's file. The other two companies will be automatically informed of the fraud alert.

- Equifax: 1-800-525-6285, www.equifax.com
- Experian: 1-888-397-3742, www.experian.com
- TransUnion: 1-800-680-7289, www.transunion.com

We understand the VA is working with the national credit bureaus to develop a program that will extend beyond the three-month free period. The VA established a national toll-free number, 1-800-FED-INFO (333-4636), and website, www.firstgov.gov, for veterans to contact for additional information, but the answers provided are

generic and do not answer the primary question: "Am I on the list?" The VFW recommends that you assume you are.

Clearly, we do not have a full accounting on which veterans are impacted, so I urge you to protect yourself and your families now, and I ask that you share this letter with others, especially older veterans who may not fully understand the ramifications of identity theft and fraud.

We will continue to keep you informed as more details become known. Please check our website at www.vfw.org for updates.

Yours in Comradeship,
JAMES R. MUELLER
Commander-in-Chief
Veterans of Foreign Wars of United States

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A prayer for those in harm's way!

Lord Jesus we ask you to protect our active duty military people in harms way no matter where in the world they may be. Please comfort their families while they serve their country and may even have to lay down their lives for freedom's sake. Please provide your wisdom and sound moral judgement for our leadership in their decisions which affect all of us. Please, LORD, help honorable mankind to end terrorism in the world. We thank you for Your endless love, Your endless power, Your endless grace, Your endless salvation, precious Lord and Savior, Jesus Christ.