

IDENTITY THEFT (PART 2) - WHAT TO DO IF YOU BECOME A VICTIM

Identification theft victims have rights under the Federal Credit Laws that can help undo some of the identity theft damage.

Under the **Fair Credit Report Act**, you have the right to receive your credit report and to receive the report free of charge, if your report is inaccurate because of fraud. You also have the right to dispute errors in your credit report. Once notified, the credit bureau and the company that furnished the inaccurate information to the credit bureau must investigate the disputed information.

Under this Act, the credit bureau is required to remove incorrect information from the report.

Under the **Truth-In-Lending Act** and the **Fair Credit Billing Act**, if you immediately report to the credit issuer that your credit card is lost or stolen, you cannot be held responsible for more than \$50.00 of unauthorized charges. You also have the right to dispute errors on your credit card bill. Upon written notice to the credit card issuer within 60 days of the error, it must investigate and either correct the error or explain why the bill is believed to be correct within two billing cycles or 90 days, whichever is less.

Under the **Electronic Fund Transfer Act**, you have the right to dispute errors on your electronic fund transfer account statements. If you send a written notice to the issuing financial institution within 60 days, it must investigate and either correct the error or explain why the account statement is believed to be correct within 13 business days. However, if the institution needs more time, it may take up to 45 days to complete the investigation.

Under the **Fair Debt Collection Practices Act**, if a debt collector contacts you about a debt you believe you do not owe, you have the right to file a dispute with the debt collector. If you do so in writing within 30 days of the collector's initial contact, the collector is required to stop all collection efforts until the debt is verified and the verification is sent to you.

The websites and phone numbers to report fraud for the three major credit bureaus are:

Equifax - www.equifax.com; (888) 766-0008

Experian - www.experian.com; (888) 397-3742

Trans Union - www.tuc.com; (800) 680-7289

Remember - **Prevention is better than cure!**



THE LAUGHABLE ESQUIRE

A judge of some thirty years passed away unexpectedly. Upon his passing he is greeted by an angel who explained he was there to guide the judge to heaven. As they slowly headed closer to the pearly gates, the judge suddenly stopped dead in his tracks and in no uncertain terms said, "Listen, I don't care how rare it is for someone of my stature to make it up here, but if there is are any attorneys in there, I'm not going in. I'm tired of them all, I'd rather suffer an eternity in hell than argue another minute with another attorney." Arriving at the pearly gates, and with much eyebrow raising by the heavenly host, St. Peter, the judge was determined to be worthy to enter heaven. "One moment, St. Peter," said the judge as the gates to heaven swung open for him, "just one thing, I'm tired of being around attorneys. I've been around them all of my life. Are there any inside? Because if they are, the deal's off and you can just send me to hell right now!" "Certainly not!" cried St. Peter, "You're quite safe. There are no attorneys in here." Feeling reassured, the judge pressed on through the pearly gates into heaven. The judge found heaven very enjoyable until one day when all of a sudden a very elderly gentlemen with a long white beard, wearing a suit and carrying a briefcase in one hand and a handful of papers in the other pushed past him mumbling something about being late for court. Enraged, the judge stormed back to St. Peter. "Hey! St. Peter!" cried the judge, "You said there were no attorneys here." "There aren't," stammered St. Peter. "I beg to differ," the angered judge promptly retorted, then pointing to the elderly man said, "What does that elderly guy over there look like to you?" demanded the judge. "Oh my," St. Peter said laughingly, "That's not an attorney -- That's God. He just thinks he's an attorney!"



KNOWING YOUR REEMPLOYMENT RIGHTS - PART 2

The Uniformed Services Employment and Reemployment Rights Act (USERRA), found at 38 USC Sections 4310, *et seq.*, provides for **restoration of your job** upon release from voluntary or involuntary active duty. These reemployment rights apply to employers, large and small, public and private. Under USERRA there are seven basic entitlements.

Prompt reinstatement. If you were gone for less than 31 days, you must be reinstated immediately; however if you are gone for more than 31 days, the reinstatement must take place within a matter of days.

Status. You may object to the proffered reemployment position if it does not have the same status as your previous employment. For example, Assistant Manager is not the same as Manager, even if both carry the same pay. Even a change in shift work (*e.g.*, from day to night) can be challenged.

Seniority. You are entitled to the same position, seniority and pension as though you had never left your job. If your service was for less than 91 days, you're entitled to the same job (plus seniority); if your service was for more than 91 days, you're entitled to the same or a "like" job (status and pay), at the employer's option, plus seniority. If your pension plan does not involve employee contribution, you get credit as though you never left the job. However, if the plan involves contribution, you have three times the period of

your military service (not more than 5 years) to make up any missed employee contributions, without being charged interest.

Health Insurance. You are entitled to immediate reinstatement to your employer's health plan, with no waiting period or pre-existing condition exclusion (except service-connected injuries).

Other non-seniority benefits. If your employer offers other benefits, not based on seniority (low-cost insurance Christmas bonus, holiday pay, etc.), to employees who are on furlough or nonmilitary leave, your employer must make them available to you during your period of military service.

Training, retraining, and other accommodations. Your employer must make reasonable efforts (does not cause undue hardship to employer) to re-qualify you for your job if your skills have become rusty or you must face some new organization or technology as a result of your military service. If your employer cannot accommodate you, he/she must find a position which is the nearest approximation to your old job in terms of seniority, status and pay.

Special protection against discharge, and prohibition against discrimination and reprisal. Your employer has a heavy burden of proof to show discharge for cause. For service of <31 days, there is no special protection; for service of 31- 180 days, your post-service protection lasts for 180 days; and for service >181 days, your post-service protection lasts for a year. Your employer cannot discriminate in employment, promotion, or any benefit because of your military service. Nor can they take action against you if you take action to enforce your USERRA rights.