

Introduction

If you use credit cards, owe money on a loan, or are paying off a home mortgage, you are a “debtor.” Most likely you will never come in contact with a debt collector, but if you do, you should know that there is a federal law to make sure you are treated fairly. The Fair Debt Collection Practices Act of 1978 (the Act) prohibits persons and businesses in the United States from engaging in certain methods of debt collection. The law does not apply to Japanese debt collectors for debts incurred here in Japan. While the law does not erase any legitimate debt that you owe, it does ensure that you are treated fairly by your creditors.

OTHER RESOURCES

Federal Trade Commission:

<http://www.ftc.gov/os/statutes/fdcpajump.shtm>

<http://www.ftc.gov/bcp/edu/pubs/consumer/credit/cre18.shtm>

<https://www.ftccomplaintassistant.gov/#content&panel1-1>

National Association for

Consumer Advocates:

<http://www.consumeradvocates.org/issues/debt-collection-abuse>

Legal Assistance Hours:

By Appointment Only

Notary Hours:

Monday–Thursday

0900-1500



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DEBT COLLECTION

This Brochure Includes:

- Air Force Policy
- Who is A Debt Collector
- How Can a Debt Collector Contact Me?
- Debt Collection Practices
- Steps if a Collector Breaks the Law
- Other Resources



The information in this brochure is of a general nature and is not intended as a substitute for legal counsel.

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Air Force Policy Regarding Debt Collection

Air Force members are expected to pay off just debts in a timely manner. However, the Air Force will not force you to pay a debt unless the creditor or debt collector obtains a court judgment that could be used to institute an involuntary allotment from your pay.

Debts Covered

Debts for personal, family, and household goods and services are covered. For example, debts owed for the purchase of a car, for medical care, or for charge accounts are all covered under the Act. Debts incurred for business expenses are not covered.

Debt Collectors

A debt collector is anyone, other than the creditor, who regularly collects debts for others; this includes attorneys who collect debts on a regular basis. If the person or company that actually loaned you money is trying to collect the debt from you, the Act probably does not apply.

In Contact with a Debt Collector

Keep copies of all correspondence you receive from the debt collector and any letters you mail to the collector. When you mail anything to the debt collector, be sure to use certified mail, return receipt requested. Also, keep a log of any telephone conversations you have with the debt collector. This documentation will serve as evidence to enforce your protections under the Act.

How Can a Debt Collector Contact Me?

A debt collector may contact you in person, by mail, by telephone or fax. However, a debt collector may not contract you at unreasonable times or places such as before 8:00 a.m. or after 9:00 p.m., unless you agree to be contacted at those times. A debt

collector may not contact you at work if the collector knows that your employer disapproves.

Stop A Debt Collector From Contacting You

You may stop a debt collector from contacting you by writing a letter to the collection agency telling them to stop. Once they receive this letter, they may not contact you again except to say that there will be no further contact or that some specific action may be taken against you.

Additionally, if you believe that you do not owe the money that the debt collector is trying to collect, send a letter to the debt collector to dispute the bill. The debt collector may not contact you if you send the collector a letter within 30 days after you are first contacted stating that you do not owe the money. However, a debt collector can renew collection activities if you are sent proof of the debt, such as a copy of the bill.

May A Debt Collector Contact Other People Concerning My Debt?

If you have an attorney, the debt collector may not contact anyone but that attorney in regards to your debt. If you do not have an attorney, a debt collector may contact other people, but only to find out where you live or work. The debt collector is usually not allowed to tell anyone other than you and your attorney that you owe money. Debt collectors are prohibited from contacting third parties (such as commanding officers) for the purpose of aiding debt collection if the debt collector does not have a court order or the debtor's permission to contact third parties.

Prohibited Debt Collection Practices

Debt collectors may not:

- Use threats of violence or harm to a person, or a person's property or reputation;
- Use obscene or profane language;
- Repeatedly use the telephone to annoy;
- Advertise your debt.
- Falsely imply they are attorneys or government representatives;

- Falsely imply you committed a crime;
- Misrepresent the amount of debt;
- Indicate that papers being sent are legal forms when they are not;
- Indicate that papers being sent are not legal forms when they are.
- State you'll be arrested if you don't pay;
- Give false credit information about you to anyone;
- State they will seize, garnish, attach, or sell your property or wages, unless the collection agency or the creditor intends to do so, and it is legal;
- Send you anything that looks like an official document, which might be sent by any court or agency of the United States or any state or local government;
- Say actions will be taken against you, which are not legal.
- Give false credit information about you;
- Use any false name.
- Collect any amount greater than your debt, unless allowed by law;
- Deposit a post-dated check before the date on the check;
- Take or threaten to take your property unless this can be done legally.

If A Debt Collector Breaks the Law

1. Send the debt collector a letter stating that the collector has violated your rights under the Act.
2. You also have the right to sue the debt collector in a state or federal court within one year from the date the law was violated. If you win, you may recover money for the damage you suffered.
3. Many states have their own debt collection laws. Check with your state's Attorney Generals Office to determine your rights.
4. You may also file a complaint with the Federal Trade Commission by contacting the Consumer Response Center at 1-877-FTC-HELP (382-4357) or by visiting their website at www.ftc.gov.