



## TERMINATING OR SUSPENDING YOUR CELL PHONE CONTRACT FACT SHEET



Congress passed a law in 2008 that allows Soldiers in some circumstances to terminate their cell phone contract with the cell phone provider. The new law amended the Servicemembers Civil Relief Act (SCRA). The new law (50 U.S.C. app. §535a) allows a Soldier to cancel a cell phone contract when he or she receives orders to deploy outside the continental United States for 90 days or more. The new law also allows a Soldier to cancel the cell phone contract when he/she receives orders for a permanent change of duty station (PCS) within the United States.

The law requires that the Soldier's ability to utilize the cell phone service to be materially affected by the deployment or PCS. The Soldier should easily meet this requirement if they are deployed to Afghanistan or another country because the cellular provider is unable to provide coverage. However, the Soldier may not be materially affected by a PCS move because cell phone provider's coverage may be nationwide.

Soldiers can request cancellation of the contract if the Soldier entered into a cell phone contract before he or she deployed or permanently changed their duty station. Additionally, the Soldier can request that the contract be suspended until the end of the deployment. The cell phone company cannot impose an early termination fee or reactivation fee for suspending service. If the Soldier is deployed and elects to suspend the service, then the service is suspended without charge or without requiring the contract be extended.

If you are going to PCS in the United States or deploy outside the continental United States, you should do the following to terminate or suspend your contract:

- a. Write to your cell phone company requesting to terminate or suspend the contract;
- b. Include language in the letter that reflects that your ability to utilize the service will be materially affected by the deployment or PCS move; and
- c. Include a copy of the deployment or PCS orders in the request. Remember to make a copy of any correspondence for your records.

If you have any questions concerning your rights under the SCRA, please call the Fort Benning, Legal Assistance Office at 545-3281.

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