

POWERS OF ATTORNEY



**Office of the Staff Judge
Advocate
Eielson AFB, Alaska**

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Legal Assistance & Preventive
Law
Pamphlet Series

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INTRODUCTION TO POWERS OF ATTORNEY

Utilizing the Air Force Legal Assistance website will expedite the production of a Power of Attorney (POA) during your visit the Legal Office. The Air Force Legal Assistance website can be accessed by visiting:

<https://aflegalassistance.law.af.mil/>.

A POA designates another person to act as your agent or “attorney in fact” when you are deployed, incapacitated, or otherwise unable to be present. A POA can be an extremely useful tool in the event you are unable to make certain decisions or sign important documents because you are deployed, on TDY, or on leave. Events could transpire during your absence requiring your signature or input; if you have designated an agent by way of a POA, your agent can act on your behalf.

TYPES OF POWERS OF ATTORNEY

Act performed by the agent and authorized by the POA are legally binding on you.

There are two basic types of POA: **General** and **Special**. A general POA grants the agent broad powers and should terminate on a specified date. A special POA only gives the agent the power to complete certain specified transactions.

GENERAL POWER OF ATTORNEY

A general POA can be dangerous because it permits your agent to conduct practically any business transaction you could do

personally: enter into a contract, buy a car, withdraw funds, or take out a loan. Be sure you trust the person named as your attorney-in-fact (the recipient of the general power of attorney). Frequently, general POAs are used during deployments or when a person will be gone for an extended period of time and cannot anticipate all of the transactions that may need to be performed during their absence.

A general POA should only be used when necessary and in most situations be limited in duration (generally to no longer than one year).

The general POA is among the least accepted by third parties. Because a general POA is so broad, financial institutions, stores, and other institutions may refuse to recognize or accept it.

Please note that Accounting and Finance will NOT accept a general POA. You will need to get a special POA in addition to the general POA to conduct transactions relating to your military pay. Further, Accounting and Finance may only allow your agent to conduct certain limited transactions. Please consult with us and Finance before relying upon a POA for your military pay transactions.

Alaska has a special **statutory form general power of attorney**. This document requires third parties to honor it, under pain of civil liability. The Alaska statutory form POA is a good choice if all the transactions you want conducted in your absence are with

Alaska companies or are within the state of Alaska. However, because it was created by the state, it has no power over the federal government. You'll need a Special POA for handling your governmental affairs.

SPECIAL POWER OF ATTORNEY

A special POA limits your agent's authority to act on your behalf to specific transactions, such as registering a car, shipping household goods, cashing a paycheck, or buying or leasing a house. There is less risk because the agent's power is limited to the specific act(s) laid out in the POA. Special POAs are a good choice for short deployments where you can easily anticipate the decisions that need to be made while you are away.

The IRS requires a special **IRS POA** to allow someone to file your taxes in your absence. The IRS POA does not need to be notarized, and may be downloaded from their website at <http://www.irs.gov>.

Other military offices may require special POAs when dealing with issues related to PCS orders or family matters, e.g., custody of children. Please see one of our legal assistance attorneys if you have any questions.

DURABLE POWER OF ATTORNEY FOR HEALTHCARE

A durable power of attorney for healthcare gives your agent the ability to make decisions regarding your medical care in the event you become incapacitated or

otherwise unable to make medical decisions for yourself.

NOTE: A durable power of attorney for healthcare is very different from an Advance Medical Directive, also known as a living will. For more information on living wills, please see the pamphlet titled "Wills, Living Wills, & Trusts."

CONCLUSION

It is critically important that you thoroughly trust the person you name as your agent. The authority that you give to your agent can have a major impact on you. There will be no formal oversight of your agent regarding the decisions he or she makes. Additionally, it is very important to make sure the agent understands what your wishes are.

This pamphlet is for basic information on powers of attorney. It is not intended to take the place of legal advice from a Judge Advocate. Please contact the 354th Fighter Wing Legal Office for questions and further information.

