

Uniformed Services Former Spouse Protection Act (USFSPA)

Goal: Identify and correct these USFSPA inequities

- ✓ Insert “unremarried” before “former husband or wife” in 10 USC 1408(a)(6). *This aligns US FSPA with other federal employee FSPA provisions and eliminate significant military divorce action abuse by state jurisdiction*
- ✓ Delete “retainer pay” in 10 USC 1408(a)(7). *This authorizes the pentagon to define retainer pay, specifically, as current compensation for indefinite services, provided by subject personnel, to their service chief.*
- ✓ Relocate 10 USC 1408(c) to the Service Member’s Civil Relief Act (50 USC App 501 Et Seq). *This adds clarity to the subject referenced cornerstone section of the US Code*
- ✓ Eliminate all but the first 20 words, in 10 USC 1048(d)(1) from language in 10 USC 1408(d). *This preserves DFAS authority to enforce military divorce action alimony and child support orders and eliminates the mistaken notion that military retired pay is jointly earned marital property by another name*
- ✓ Provide reciprocal protection for military personnel who are abused by their dependent military spouses in 10 USC 1408(h). *The Cox II commission advised key members of congress and pentagon officials, regarding this inequity. We are not aware if they ever responded.*
- ✓ Replace the term “RETIRED” with “INDEFINITE” on the DD FORM 2 issued to qualified military personnel. *This change will officially acknowledge and reinforce the spirit and intent and US Supreme decision, regarding the military rules and regulations that govern the lives of subject personnel.*
- ✓ Subject dependent military spouses (who hold the DD FORM 1173 privilege and ID card) to UCMJ provisions. *The need to hold all members of the military family to the same legal standard is patently obvious to all but the target audience*
- ✓ Require jurisdictions to resolve all USFSPA related issues in the final divorce decree. *Kniss v Kniss accomplished this mission, in a California jurisdiction; it was subsequently de-published*

Objectives:

- ☞ Encourage and authorize DoD unit commanders to adequately brief all in-processing personnel, regarding USFSPA provisions and their possible implications to a military career and tragic service personnel suicides.
- ☞ Call on the 113th Congress to hear supporting and opposing arguments, regarding the USFSPA provisions, prior to the markup of the 2014 National Defense Authorization Act.
- ☞ Identify members of Congress who are “ready, willing and able” to address the current problems, that exist for all parties that currently exist within the USFSPA.