

ARA/USA

American Retirees Association

With our Uniformed Services Association affiliate
defending the rights of all uniformed service personnel

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THE WASHINGTON RAMBLE

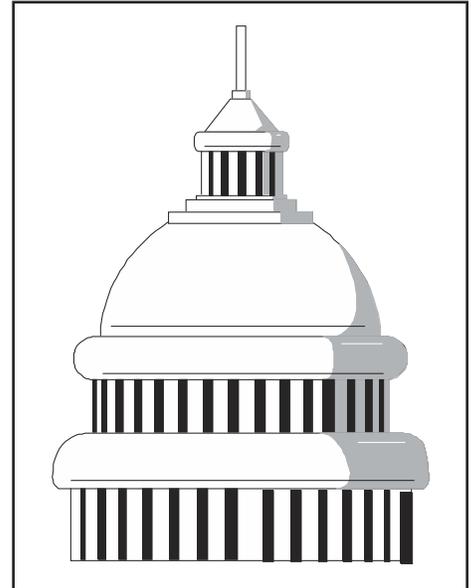
Inside Congress, 2021 turned out to be essentially an uneventful USFSPA year. Members stayed focused on legislating hate for one another: They did seem to leave partisan rancor outside the House and Senate military and veterans affairs committee doors.

Supporting the needs of our military personnel and the veterans they become seems to remain important on Capitol Hill. If you're not at least somewhat amused by the pandemic and otherwise drama generated inside the DC beltway, maybe you're not

using enough Will Rogers humor?

We've all seen and done and sacrificed lot, in so many unpleasant places, when called to defend our nation's Constitution, when diplomacy fails. Calling our attention to your concerns, regarding family law issues being raised by your congressional delegates, state legislators and family law industry, is important to the continued success of our mission.

Dennis Egge
ARA President



The Tucker Report

I recently submitted a pro bono statement opposing the Veteran's Administrations preposterous rule change proposal to divest itself of its legislatively federal grant of exclusive jurisdiction over "all claims for benefits" with respect to disability pay paid to veterans and dependents to STATE COURTS!

Yes, you heard that right, the veterans' administration in an under-the-table corrupt "DEAL" with the corrupt state Title-IVD apparatus that steals

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VIEW FROM THE CHARTHOUSE



By Dennis Egge, President
American Retirees Association

To my knowledge, NDAA22 awarded USFSPA casualties no benefits and did us no harm. That doesn't mean the need for eternal vigilance is past; we never give up!

We do have one USFSPA proposal, to align state court former spouse awards, pending discovery of a sponsor. When that happens, the National Military Veterans Alliance (NMVA) will

bring it to the attention of the U.S. House and Senate.

State legislatures are seeing the damage USFSPA has done and are carefully taking measures to restore the equal justice. If you have news of this nature coming from your legislature, please report to us, by telephone (voice or text) or email message. At your request, we will gladly blast mail this informa-

tion to fellow ARA members in your state, and ask them to share their concerns with their respective state and federal legislators.

Would you like us to bring our unedited message to your next Military Retiree Appreciation Day event? Please provide contact information, so we can arrange to be invited.

We must thank DOD for doing what it can to quietly bring equal justice to this military family issue. It's USFSPA casualties deserve nothing less.

At your service,
Dennis Egge, ARA President

Find your member of Congress at:

U.S. House of Representatives: Phone: 202-225-3121 Website: <http://www.house.gov/>

U.S. Senate: Phone: 202-224-3121 Website: <http://senate.gov/>

American Retirees Association Serving Divorced Uniformed Service Personnel

Dennis Egge.....Chief Editor
Nancy Plank.....Membership
Bonnie Mitchell.....Publisher

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700 E. Redlands Blvd., Ste. U-307,
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ARA receives inquiries from service members (SM), spouses, attorneys, and even relatives.

A breakdown, in terms of categories, includes the following:

1. Inquiries from people who have asked questions too late — their divorce case has been adjudicated, and they failed to ask their attorneys their questions before the divorce was final. In all these questions, we have to ask: Why didn't you ask your attorney that question? This type of inquiry is asked most often. (Rule #1: Be an active participant in your own divorce! Ask questions when you don't understand something.)
2. In a few cases, people are actually asking questions before the fact, trying to gather information before they file for divorce. In some of those inquiries, no matter which party asks, it still surprises us to see how little information people know about the USFSPA and divorce in general, and their lack of incentive to educate themselves.
3. In the last category are questions from people who have been divorced for several or even many years, now wanting to either stop the payments from the military retired pay (MRP), (inquiry from SM) or get more money (from the ex-spouse). On rare occasions, some cases can be reopened, and Lt Col Thole can refer people to expert lawyers in that regard.

Tucker Report

Continued from page 1

veterans' disability pay by taking children away from disabled veterans and then forcing the veteran to use his or her disability pay to satisfy a "state court" imposed support order in favor of the parent OR guardian given custodial rights over the child.

To top it off, every time the states do this, they also get huge kickbacks, sometimes 10:1 dollars for every dollar they "steal" from the disabled veteran under these bogus support orders. The ONLY thing in the way of preventing this from happening is the exclusive jurisdiction and federal adjudication powers given by Congress to the VA under Congress' enumerated military powers in the Constitution. That latter point means

that federal law absolutely pre-empts all state law concerning veterans' benefits, unless Congress says otherwise, and here IT HAS NOT - in fact, doubling down on this Congress actually removed any notion of state court control over these benefits when it amended 38 U.S.C.S. § 511 and created the Veterans' Judicial Review Act, granting to the VA Secretary "Exclusive" jurisdiction and control over all claims for benefits by both veterans and their dependents (including children and child support).

Now, VA has proposed to unlawfully and unconstitutionally divest itself of its exclusive jurisdiction and adjudicatory authority and give all rights to these benefits to the whims of corrupt state courts and officials who profit off of the disability

benefits that are supposed to be paid and preserved for our nation's wounded service members!

It is a horrible, horrible thing that is happening. I've submitted the objection on behalf of the non-profit Trinity Advocates (see below) and we must now engage to fight in court by suing the VA under the Administrative Procedures Act if and when they will likely enact this rule.

<https://www.regulations.gov/comment/VA-2021-VBA-0025-0047>

<https://www.regulations.gov/docket/VA-2021-VBA-0025>

Sincerely,

Lex Fori PLLC

Carson J. Tucker, JD, MSEL

ARA Mission Statement

The American Retirees Association (ARA) was chartered in California in 1984 as a nonprofit, tax-exempt corporation to deal with inequities in the Uniformed Services Former Spouses' Protection Act (USFSPA), Public Law 97-252, 10 U.S.C. § 1408 *et seq.* Its membership includes active duty, reserve, and retired members of the uniformed services, both male and female.

The ARA is headquartered in Redlands, California, and maintains an action office in the na-

tional capital area. The ARA is recognized, within the national community of veterans' organizations, as the leader of the USFSPA reform effort.

The goals of the ARA are relief for those military veterans already affected by various inequities in this law and reduction of the threat to future military retirees. The ARA maintains that there must be fair and equitable treatment for *both* members of any military marriage that ends in divorce.

National Military and Veterans Alliance

Uniformed Services Former Spouse Protection Act (USFSPA)

Legislative agenda for the 117th Congress

Goal: Identify, address and correct USFSPA inequities

Objectives:

- Continue discussions with DoD, regarding the urgent need to adequately brief all personnel on the USFSPA and its possible implications to a military career.
- Work with Congress for hearings regarding the USFSPA prior to the markup of the National Defense Authorization Act.
- Work to identify members of Congress to introduce meaningful legislation to address many of the problems, for all parties, that currently exist within the USFSPA.

American Logistics Association	ala-national.org, membership@ala-national.org
American Military Society	amsmilitary.org, 1-800-379-6128
American Retirees Association.....	americanretirees.org, contactara@rocketmail.com
American WWII Orphans Network	awon.org, awon@awon.org
American Veterans (AMVETS).....	amvets.org, amvets@amvets.org
America's Warrior Partnership	americaswarriorpartnership.org
Armed Forces Marketing Council	theafmc.org, info@theafmc.org
Armed Forces Retirees Association	armedforcesretirees.org, 617-590-0172
Army Navy Union	armynavyunion.org, info@armynavyunion.org
Association of the United States Navy	ausn.org, 703-548-5800
Catholic War Veterans	cwv.org, 703-549-3622
Gold Star Wives of America	goldstarwives.org, info@goldstarwives.org
Healing Household 6.....	healinghousehold6.org, info@healinghouseholds6.org
Heroes Athletic Association	herosathleticassociation.org, info@heroesathleticassociation.org
Japanese American Veterans Association	java.wildapricot.org, javapotomac@gmail.com
Korean War Veterans Association	kwva.us, membership@kwva.us, 217-345-4414
Legion of Valor	legionofvalor.org, 202-320-3295
Military Order of the Purple Heart	purpleheart.org, membership@purpleheart.org, 888-668-1656
Military Order of Foreign Wars	mofwus.org
Military Order of the World Wars	moww.org, chiefofstaff@moww.org, 703-683-4911
National Gulf War Resource Center	ngwrc.org, support@ngwrc.org, 785-925-9887
Naval Enlisted Reserve Association	nera.org, members@nera.org, 1-800-776-9020
Non Commissioned Officers Association	ncoausa.org, website@ncoausa.org, 210-653-6161
Reserve Organization of America (ROA)	roa.org, 1-800-809-9448
Sea Service Family Foundation	seaservicefamily.org,
Society of Military Widows	militarywidows.org
TREA: The Enlisted Association.....	tre.a.org, 1-800-338-9337, 303-752-0660
The Flag and General Officers' Network.....	flagandgeneralofficers.org, 703-999-3198
The Independence Fund.....	independencefund.org, 888-851-7996
Tragedy Assistance Program for Survivors (TAPS)	taps.org, 1-800-959-8277, 202-588-8277
Veterans of Foreign Wars (VFW)	vfw.org, 816-756-3390, 202-543-2239, 833-839-8387
Veterans of Modern Warfare	vmwusa.org, 1-800-273-8255
VetsFirst.....	vetsfirst.org, 1-800-404-2898 ext. 7731
Vietnam Veterans of America	vva.org, 1-800-882-1316

Share your USFSPA reform concerns with those your dues support.

The Thole Report

Happy New Year!

If you are getting married under the impression that, if things don't work out, you can always divorce, then **DON'T GET MARRIED**. Marriage is forever.

If you are married and are contemplating divorce, go back to your vows—you aren't trying hard enough, and you are not as committed as you were on the day you said, "I do." Dumping a lifetime solves no problems! (Please note that I am not talking about the marriages where there is physical abuse or abuse of any kind, where leaving it is a necessity.)

Do an audit on your marriage. Just like a business, you have to "open" all the books—financial, emotional, and physical—in order to truly look at your marriage and where it is slipping off the tracks or, worse, is off the tracks. There are counselors out there who can help you. Pastoral counselors are some of the best out there. The chaplains on the military installations can help, too.

Whether you are just starting out your marriage (first or second or third), or you are knee deep into it, finances are usually cited as the number one cause of marital problems.

Are you between spouses? Do not even date for two years after a divorce. And, whatever you do,

do not move in with someone else of the opposite sex. Studies show that more than 75% of marriages that follow a live-in situation end up in divorce. The reasons are obvious. The divorce rate for second marriages is 67 percent.

News Flash! It is okay to be single. Census Bureau counts those currently married and those who are single are nearly 50-50 each.

If you are even contemplating marriage for a second (or third or...) time, take your time. Ask yourself why you want to remarry. Ask yourself if you know what went wrong in your previous marriage. Ask yourself whether you were truly committed in that marriage. (Duh—if you had been, you would not have divorced, right?)

NOTE: Neither ARA nor their paralegal consultant and *Divorce and the Military* // co-author give legal advice. Their comments are not legal advice, and you should consult with your own legal counsel if you have questions. Our paralegal consultant works with attorneys and their clients, and can be reached at (505) 856-2080 after 11 a.m. MDT.

If things were that bad, why did you stay married for 20-plus years? YOU were a contributor to the divorce, too.

Lastly, if you are young and newly married, do not plan to have children until your fourth year of marriage. Why? The statistics show that the first divorce often occurs at the 3-year point in the marriage. Next is the 7-year point. If you are remarrying someone with children, get counseling **BEFORE** you remarry. Stepchildren will be your

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<i>Geoff Keeler</i>	<i>Washington</i>	<i>March 2025</i>	_____
<i>Michael Blain</i>	<i>Virginia</i>	<i>March 2025</i>	_____
<i>Terry Rubio</i>	<i>Alabams</i>	<i>March 2025</i>	_____
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IS DIVORCE AND THE MILITARY II ON YOUR MILITARY EXCHANGE BOOKSHELF?

If NOT, please advise me: My objective is to assure all service personnel have an opportunity to read this reference guide before they marry and divorce. My email address is contactara@rocketmail.com.

*Thank you for your service,
Dennis Egge, President,
American Retirees Association*

Thole Report

Continued from page 5

biggest problem, after money, so say the experts.

There are more rules, but you get the picture. Marriage takes WORK. It is a 24/7/365 job, if you will. It takes commitment. If you didn't commit in your last marriage, what have you done to make sure you don't end up in divorce in your next marriage?

Disclosure: I am not a therapist, counselor, CPA, or lawyer.

I am from the old school called "common sense." I know that since writing the first Divorce and the Military in 1994, I haven't seen it all, I am sure, but I have certainly seen a lot.

*Lt Col Marsha Thole,
USAFR/RET, co-author of
DIVORCE AND THE MILITARY
II*

The Thole Report is reprinted from the January 2019 issue.

AMERICAN RETIREES ASSOCIATION

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Annual membership dues are \$30.00

The single copy price for our book "Divorce and the Military II" is \$19.95 (shipping & handling included)

ARA Member Discount prices: 1 copy \$15.95; 2-9 copies \$14.95 each; 10+ copies \$13.95 each

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