

ARA/USA

American Retirees Association

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

ARA Vol 36 Issue 1

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THE WASHINGTON RAMBLE

In spite of the fact that the past three years has been focused on partisanship, our federal government has diminished legislative and judicial support for perpetuating the US-FSPA, status-quo:

a. Thanks to the Pentagon's "Blended Military Retirement System", Congress implemented California's unpublished Kniss v Kniss decision nationwide;

b. State's Rights alimony laws are beginning to re-focus on the divorced military spouse's need to become self-reliant;

c. The bar for involuntary allotment of traditional military retirement (from creditable service) system pay, as jointly earned marital property, is being raised in many jurisdictions to include only 20/20/20 and,

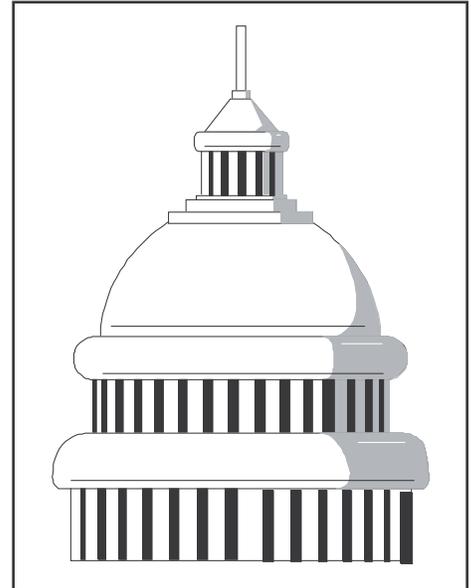
d. Thanks to the US Supreme Court's Howell v Howell decision, all jurisdictions are advised that a vet-

eran's disability compensation was never intended to be included as divisible income, directly or indirectly, in divorce actions.

Aligning USFSPA re-marriage provision inequity with those provided to other federal government employees remains in our cross-hairs. It currently entitles to financial support only former dependent military spouses who claim domestic abuse (the target service member is imprisoned). Our proposal, introduced to the National Military Veterans Alliance (NMVA), will provide additional protection for USFSPA casualties.

As concurrent receipt advocates lobby hard for expansion of their benefits, some members of Congress are beginning to understand how this legislation allowed the divorce industry to transform the military retirement system's "reduced

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The Thole Report

Some people approach marriage these days with an attitude of buying a piece of equipment--if it doesn't live up to your expectations, you toss it out, without even trying to fix it or giving it a chance. You think it is easier to just get another one. You and your spouse took vows to live together in holy matrimony "until death do us part," along with in sickness and in health, for richer or poorer, and to love and cherish. Nothing in there about, "Well, I have finally had it with her [fill in the blank]. Time to bail."

In the 25 years I have been working with lawyers and clients, only once was the reason for divorcing valid--a case of domestic violence. The rest were cop-outs, people whose expectations for marriage were so off that the model they were using was that of their parents. Or, the age-old excuse, "We just do not communicate anymore." They were clueless that marriage takes WORK!

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VIEW FROM THE CHARTHOUSE



By Dennis Egge, President
American Retirees Association

Uniformed Services Association (USA) founder Al Stewart, and former National Association for Uniformed Services (NAUS) regional presidents continue their efforts to re-establish the "all services all paygrades" principle we share on Capitol Hill and in our state and territorial legislatures. We invite all of these who have been abruptly set adrift, now affiliated NAUS members, to join with us, effective immediately. Call 909-557-0107 or visit our americanretires.org website for affiliate membership information and instructions.

We have much to be thankful for but we cannot rest until all divorced USFSPA casualties enjoy equal justice under the law. Thanks to the following:

- a. Pentagon, for its Blended Military Retirement System; it introduces annuity law to military divorce actions,
- b. Congress, for protecting those joining our ranks, with new equitable provisions, written into NDAA17 and,
- c. the US Supreme Court, for protecting a divorcing disabled veterans compensation, including indemnification, from division.

The Pentagon's new 401k-style Blended Military Retirement System requires the nation's divorce jurisdictions to resolve all military marriage financial issues, effective final decree day. No more stinky USFSPA, retire-

ment at half of half pay, albatross hanging on the USFSPA casualty's neck for the rest of their lives.

With the National Military Veteran's Alliance (NMVA) actively representing our common (ARA/USA) interests in Congress, we remain focused on embracing their legislative agenda. We should feel encouraged to represent our common interests in our respective state legislatures. Thanks to Congress and the US Supreme Court decisions,

many of them are treating their divorcing uniformed service residents with greater respect. Stay tuned for more information in the next edition of this newsletter. From now on, I urge divorced ARA/USA members who are sharing their concerns with those elected to represent their interests in their state legislatures to just ask me for support.

Do not hesitate to share your USFSPA provision concerns with those elected to represent your interests in Congress and your state legislature. We can reach out to fellow members in your state and urge them to follow your example. We also enjoy bringing our message to Military Retiree Appreciation Day events in your area. If you notify me and provide contact information, I will arrange to be there.

*At your service,
Dennis Egge,
ARA National President*

Thole Report

Continued from page 1

We live in a throw-away society that extends to marriages. Does anyone try anymore? Do you remember your vows? Did you go through pre-marriage counseling (regardless of your age)? Did you at least discuss each other's expectations? Division of duties? Each's philosophy on spending money? What is your list of "shoulds"? Notice I haven't even introduced children into this.

If a woman found a lump in her breast, she would call her doctor to make an emergency appointment. A lump needs immediate attention. So why don't

the two parties in a marriage treat problems, or perceived problems, as if they were a medical emergency?

A couple can address problems to prevent them from becoming bigger by addressing them immediately, just as you would call your doctor. So, my suggestions for resolutions to nurture your marriage and to make it better are quite simple. COMMUNICATE!

Your marriage is a business partnership. Yes, really. Marriage is not the same as romance. Businesses stay in business because the owners and employees WORK at it 24/7. What do people have to do to stay in business and make it last?

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American Retirees Association Serving Divorced Uniformed Service Personnel

Dennis Egge.....Chief Editor
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Bonnie Mitchell.....Publisher

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To become a member, annual dues are \$30,
submit the membership form with payment to:

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The Washington Ramble

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compensation for reduced services (to their respective service chief) pay" into a pension plan. North Carolina was one of the last states to support this principle. The US territory of Puerto Rico does not ascribe; Indiana is reluctant to award, unless the military marriage has attained 20/20/20 status.

As a (NMVA) delegate, in order to "leave no USFSPA casualty behind," we are asking Congress to consider

allowing them to re-open their cases, for causes outlined above. We are also asking state legislatures to support this.

Are you pursuing a USFSPA casualty related issue in your state legislature? Don't be shy about asking us if we can help. Florida is pursuing alimony reform as you read this.

*At your service,
Dennis Egge, ARA National President for
Michael P. Smith, ARA Executive Director*

The Corry Report

Prosecutors regularly admit they are judged by the public based on convictions. That's one reason multiple criminal charges are piled on people when they are arrested. This process, called "overcharging," does several things. It allows prosecutors to threaten defendants with extended prison sentences and fines upon conviction of multiple charges for the same crime. It gives prosecutors a backup charge to stick on the defendant in the event the defendant is acquitted of the most serious charges. It gives jurors more conviction options if there's doubt over some or most of the charges if the case goes to trial. But most importantly, it

gives prosecutors more leverage to coerce a plea bargain.

No trial? This means that the prosecuting attorney is the judge and the jury. Unless we have missed the point here, all Americans are now subject to entrapment. You can commit a federal crime in America and not even know it.

The answer lies in the huge volume of federal and state criminal laws which are broad and impossibly vague. They have become dangerously disconnected from English common law tradition.

There are some 2.3 million people in American state and federal prisons, local

jails, juvenile correction facilities, Indian Country jails, military prisons, and other incarceration facilities in the U.S. and its territories. One in three Americans will be arrested by the age of 23, many of them arrested on "crimes" including truancy and misbehaving in school.

The result is criminal records for millions of people that haunt them throughout their lives by costing them access to jobs, housing and their families.

[Equal Justice Foundation comment — A rough estimate suggests that about 40% of all adult American males have a criminal history today.]

Thole Report

Continued from page 2

A business has a mission and values. The boss makes sure they are front and center so all employees know why their job is important. A marriage has a mission, too—to live in holy matrimony and love and cherish each other. The values occur in the context of the vows.

RESOLUTION #1: Once a year on your wedding anniversary, renew your vows. Celebrate all the loving successes you have created. Acknowledge each other's role in maintaining the marriage. Recommit to the marriage and to each other. Focus on the present but plan for the future.

Problems arise in business and are reported on at a meeting, in spreadsheets, in monthly, quarterly, and annual reports. Ignoring business problems can lead to business failure. Solutions often involve negotiating, too. But mature people take action together to address problems and determine solutions to protect the marriage. The only goal is maintaining the sacredness of the marriage. They do it with regular communication.

RESOLUTION #2: Commit to having a respectful discussion of what is going well, what is not going so well, and what needs to be improved. Set aside the same time and allow only one reschedule. Decide on whether weekly is necessary. This should not be a long review; limit the amount of time to things that

can be resolved in 30 or fewer minutes. If an issue requires more time, set aside a special time slot.

Finally, businesses need to keep good employees and advance them to keep the business going. And everyone needs to play nice in the sandbox. Perceptions are someone else's reality. In a marriage, each party needs to play fair and nice, too. If you have an issue or problem, put it on the discussion list. Don't jump to conclusions. Apologize if you are wrong.

RESOLUTION #3: Show your spouse that you value him/her, and you value the marriage. A 1977 song by First Choice has a line in it that goes: "We got love too good to throw away." And in your vows, the words are, "What God has joined together, let no man put asunder." Actions speak louder than words.

So, pick one or all three resolutions,

NOTE: Neither ARA nor their paralegal consultant and *Divorce and the Military II* 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.

and recommit to your marriage and to your spouse. The rewards are absolutely great. I like to think that my washer and dryer have been with me for 31 years because I have treated them well; I conduct preventive maintenance, clean them, don't overwork them, and talk nicely to them, always thanking them each time they produce a clean load of laundry making my closet smell good, too.

Maybe we need to treat our marriage as well as we treat our equipment!

Happy New Year!

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

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*

National Military and Veterans Alliance

Uniformed Services Former Spouse Protection Act (USFSPA)

Legislative agenda for the 116th 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.

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American Military Retirees Association	www.arra1973.org, mbergeron@amra1973.org
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American Retirees Association.....	www.americanretirees.org, dne39@isp.com
American WWII Orphans Network	www.awon.org, edpeters2@mac.com
American Veterans (AMVETS).....	www.amvets.org, awebb@amvets.org
Armed Forces Marketing Council	www.theafmc.org, tgordy@theafmc.org
Army and Navy Union of the USA	www.armynavy.net, lindenuwr@aol.com
Association of the United States Navy	www.ausn.org
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Gold Star Wives of America	www.goldstarwives.org, joe.goldstarwives@gmail.com
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Korean War Veterans Association	(703) 893-6313
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Military Order of the Purple Heart	www.purpleheart.org, goberh@aol.com
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Naval Enlisted Reserve Association	www.nera.org, neraexec@nera.org
Reserve Enlisted Association	www.reaus.org, lburnett@reaus.org, legislation@reaus.org
Reserve Officers Association	www.roa.org, slukas@roa.org
Senior Citizens League.....	www.seniorsleague.org
Society of Military Widows	www.militarywidows.org, rjones@naus.org
The Flag and General Officers Network	www.flagandgeneralofficersnetwork.org, radmcarey@aol.com
The Retired Enlisted Association	www.trea.org, dholleman@treadc.org
Tragedy Assistance Program for Survivors	www.taps.org, info@taps.org
Uniformed Services Disabled Retirees	www.usdr.org, redleg@zianet.com
Veterans of Foreign Wars of the United States	www.vfw.org, rjackson@vfw.org
Veterana or Modern Warfare	www.vmwusa.org, rogers@vet-span.com
VetsFirst, a program of United Spinal Assoc.....	www.vetsfirst.org, hansley@vetsfirst.org
Vietnam Veterans of America	www.vva.org, bedelman@vva.org

Share your USFSPA reform concerns with those your dues support.

The Solberg Report

Military Retiree Population with USFSPA Monthly Deductions
Data provided by DFAS Cleveland, OH as of 14 November 2019

State	Male		Female		Total	
	#	Amount	#	Amount	#	Amount
AK	676	680,295	13	11,221	689	691,516
AL	2,987	3,121,704	28	24,883	3,015	3,146,587
AR	1,281	1,158,029	9	6,290	1,290	1,164,319
AZ	3,673	3,581,073	32	31,654	3,705	3,612,727
CA	7,725	7,565,164	80	75,823	7,805	7,640,987
CO	3,239	3,636,838	49	42,616	3,288	3,679,454
CT	461	446,375	7	9,412	468	455,787
DC	168	240,853	5	7,369	173	248,222
DE	482	420,270	6	4,206	488	424,476
FL	12,854	13,294,278	177	170,043	13,031	13,464,321
GA	5,283	4,972,282	48	38,895	5,331	5,011,177
HI	997	1,111,279	19	16,460	1,016	1,127,739
IA	688	585,404	9	8,608	697	594,012
ID	854	832,950	9	5,568	863	838,518
IL	1,933	1,888,364	20	19,759	1,953	1,908,123
IN	1,383	1,204,587	8	3,902	1,391	1,208,489
KS	1,176	1,173,065	10	12,949	1,186	1,186,014
KY	1,669	1,528,902	12	10,498	1,681	1,539,400
LA	1,358	1,215,628	14	11,117	1,372	1,226,745
MA	643	641,179	9	10,662	652	651,841
MD	3,270	3,593,329	59	53,263	3,329	3,646,592
ME	638	575,502	4	4,526	642	580,028
MI	1,642	1,436,385	17	17,050	1,659	1,453,435
MN	822	726,149	8	8,546	830	734,695
MO	2,148	1,907,789	22	19,552	2,170	1,927,341
MS	1,100	1,016,544	7	6,765	1,107	1,023,309
MT	522	490,863	11	8,255	533	499,118
NC	4,927	4,877,648	52	56,982	4,979	4,934,630
ND	273	238,503	5	3,115	278	241,618
NE	751	746,651	14	13,094	765	759,745
NH	473	497,847	3	2,251	476	500,098
NJ	776	723,529	7	4,394	783	727,923
NM	1,359	1,366,391	22	17,253	1,381	1,383,644
NV	1,894	1,833,331	20	21,090	1,914	1,854,421
NY	1,671	1,411,636	19	15,132	1,690	1,426,768
OH	2,664	2,521,691	40	38,291	2,704	2,559,982
OK	2,066	1,855,037	16	13,320	2,082	1,868,357
OR	1,065	1,006,132	9	5,067	1,074	1,011,199
PA	2,089	1,939,295	16	15,988	2,105	1,955,283
RI	220	225,381	6	4,691	226	230,072
SC	3,098	3,000,210	37	34,928	3,135	3,035,138
SD	489	464,487	6	7,388	495	471,875
TN	2,978	2,916,568	31	33,506	3,009	2,950,074
TX	14,576	14,071,861	228	235,128	14,804	14,306,989
UT	889	875,643	9	8,210	898	883,853
VA	9,545	11,490,609	172	180,814	9,717	11,671,423
VT	161	164,055	2	1,552	163	165,607

State	Male		Female		Total	
	#	Amount	#	Amount	#	Amount
WA	4,491	4,467,759	49	41,104	4,540	4,508,863
WI	1,035	918,251	21	16,110	1,056	934,361
WV	586	528,994	5	6,866	591	535,860
WY	312	281,770	4	3,935	316	285,705
Total USA	118,060	117,468,359	1,485	1,420,101	119,545	118,888,461

Territories & Overseas

AA---Armed Forces America	25	23,680	-	-	25	23,680
AE---Armed Forces Europe	541	614,225	9	12,356	550	626,581
AP---Armed Forces Pacific	481	515,275	1	656	482	515,931
AS---American Forces Samoa	11	8,105	1	417	12	8,522
GU---Guam	151	147,618	-	-	151	147,618
MP---Northern Mariana Islands	9	8,419	-	-	9	8,419
PR---Puerto Rico	172	148,786	-	-	172	148,786
PW---Palau	-	-	-	-	-	-
VI---Virgin Islands	22	17,608	-	-	22	17,608
Other Foreign	741	774,725	2	1,398	743	776,123
Total T & O	2,153	2,258,441	13	14,827	2,166	2,273,268
Grand Total	120,213	119,726,801	1,498	1,434,928	121,711	121,161,729

Retiree Population by Branch of Service

	Total	w/CP Ded
Air Force	773,773	
Army	977,831	
Marine Corps	148,723	
Navy	563,541	
Total	2,463,868	

Prepared by James M. Solberg
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jms/Dec2019

Note: This report does not include

The Holland Report

The Florida Family Law Reform PAC is in the process of drafting a bill for 2020. We have heard from many of you about what you want to see in a bill. Of course, the degree of reform that can be achieved depends on the individuals elected. Florida is truly an outlier state, with regard to lifetime alimony--and this is something that must get fixed. With the right elected officials in office, this is something we will get done in 2020.

While we do not know the position of every single elected officials running, we do know

where certain elected officials stand. We are trying very hard to achieve bipartisan support through education. Members of our PAC come from all parties and all walks of life. Our common goal this session is long-overdue ALIMONY REFORM. If you do not know where elected officials in your district stand, ask them. Two alimony reform bills that passed through the House and Senate in 2013 and 2016 were largely supported by Republicans and rejected by Democrats with a few notable exceptions.

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.

Where do your elected State and Federal Government representatives stand on the USFSPA reform issue?

FIND THEM ALL AT
HTTP://WWW.USA.GOV/CONTACT/ELECTED.SHTML

share your USFSPA reform sentiments with them and share their responses with us!

AMERICAN RETIREES ASSOCIATION

Membership dues/book order instructions and form

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

Non-ARA Member Discount prices are: 1-5 copies \$18.95; 6-10 copies \$17.95 each; 11+ copies \$16.95 each

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Total	\$

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2020-2023 Board of Directors Election Ballot

Clip and Mail to: ARA Elections, 700 E. Redlands Blvd., Ste U-307, Redlands, CA 92373, or Fax to: 909-335-2711 or scan and email to: araredlands@yahoo.com

VOTE FOR THESE CANDIDATES

<u>NAME</u>	<u>RESIDENCE</u>	<u>TERM EXPIRES</u>	<u>VOTE</u>
<i>Tom Anderson</i>	<i>New Mexico</i>	<i>21 March 2023</i>	_____
<i>Patricia Bruce</i>	<i>Maryland</i>	<i>21 March 2023</i>	_____
<i>James Noone</i>	<i>Virginia</i>	<i>21 March 2023</i>	_____
<i>ALL OF THE ABOVE</i>		<i>21 March 2023</i>	_____

WRITE IN CANDIDATE(S):

<u>NAME</u>	<u>RESIDENCE</u>	<u>TERM EXPIRES</u>	<u>VOTE</u>
_____		<i>21 March 2023</i>	_____
_____		<i>21 March 2023</i>	_____
_____		<i>21 March 2023</i>	_____

VOTER IDENTIFICATION

NAME (Signature) _____
 NAME (Printed) _____
 DATE _____



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.

How to contact those who represent your interests in Congress

Call 1-877-762-8762 or 1-866-220-0044, toll-free, the Capitol Operator will answer: Simply ask them to connect you to your elected U.S. House or Senate representative(s) or a cognizant committee member.



American Retirees Association

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