

# ARA/USA

## American Retirees Association

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

ARA Vol 36 Issue 4

October 2020

Published Quarterly

### THE WASHINGTON RAMBLE

#### Michael P. Smith

It is with deep sadness that we report on the passing of Captain Mike Smith, USNR (Ret.), whose name previously would grace these pages in his position of Executive Director of the American Retirees Association. He died unexpectedly in his hometown of Canton, Ohio, last December.

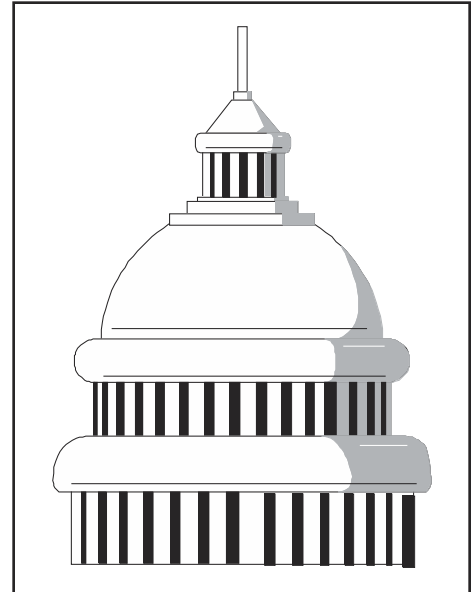
Mike served 30 years in the Navy Reserve as a public affairs officer, retiring in 2006. He was very active in the Reserve Officers Association, serving in numerous positions and advancing to become president. He was also a senior member of the Board of the National Military Veterans Alliance (NMVA).

Born in Canton, he earned a masters degree in film and media arts at American University in Washington. He worked as an executive director at

General Dynamics Information Technology, in public relations for the Red Cross and ABC News, and was a freelance writer for national media publications and periodicals.

“Mike was an outstanding Navy officer who served honorably with numerous public affairs units in the Washington area,” said Captain Jim Noone, USNR (Ret), ARA Board member and legal counsel. “With his happy outgoing personality he was a friend to many who served with him.”

“We were privileged to have Mike as our Executive Director and representative in Washington for many years,” said ARA National President Dennis Egge. “In that role he made a great contribution to ARA and our cause, for which we are extremely grateful. We are very sorry to hear of his passing.”



#### The Thole Report

### MILITARY DIVORCE RATE HOLDS STEADY FOR 5TH YEAR

For the fifth year in a row, the Pentagon is reporting that the military divorce rate has remained steady. According to an article by Amy Bushatz, published 9/23/20 on Military.com, service members are divorcing at the same rate they have been since 2014, which is between 3.0% and 3.1%. (Coast Guard members are not included.) The calculation is the difference between those married at the beginning of the fiscal year and those married at the end of the fiscal year.

Female service members, whether

Continued on page 2

#### In This Issue

WASHINGTON RAMBLE .....	1
THE THOLE REPORT .....	1
VIEW FROM THE CHARTHOUSE .....	2
THE KEELER REPORT .....	3
NATIONAL MILITARY AND VETERANS ALLIANCE .....	4
STEWART REPORT .....	5
THE HOLLAND REPORT .....	6
ARA MISSION STATEMENT .....	6
ARA MEMBERSHIP DUES/BOOK ORDER FORM.....	7

## VIEW FROM THE CHARTHOUSE



By **Dennis Egge, President**  
American Retirees Association

I've been thoroughly amused by the wealth of hyper-partisan back and forth coming from inside the DC Beltway since before 20 January 2017. Why? Because it's the day our founding fathers designed it to be - in September 1787. Congress ratified their efforts on June 21, 1788.

That doesn't mean I've been sitting idly in my armchair, watching this daily government soap, for lack of anything better to do; far from it. I am convinced, that none of you who are reading this edition of our newsletter have been sitting idle either: I gladly

invite you to "sound off" to me regarding your military divorce action concerns, at our 703-527-3065 "Action line."

Besides supporting numerous National Military Veterans Alliance (NMVA) initiatives, we are proposing a 10 USC 1408(e) amendment to Congress, and bringing our affiliate Uniformed Services Association (USA) fully on-board, subject to their Regional Presidents' approval at a special BOD meeting the end of this month.

Do you have a USFSPA reform idea you would like to try out? [contactara@rocketmail.com](mailto:contactara@rocketmail.com) is the place where the action is. In addition to the US House and Senate Armed Services and Veterans Affairs committees, state legislatures have been known to adopt USFSPA reform measures in their judicial jurisdictions, most notably in Arizona and Wyoming. USA founder Al Stewart has already brought HR 2323 to Congress and NMVA for support.

No matter how things turn out on November 3rd, the good old US of A will continue to be the land where Justice protects Liberty (you'll find that inscribed on the US Supreme Court building).

*Never give up,  
Dennis Egge,  
ARA National President*

## Thole Report

Continued from page 1

officer or enlisted, divorce at a higher rate than the male members, 7% vs. 2.5%, and that rate has remained steady as well. And enlisted personnel, whether male or female, divorce

at a higher rate than officers (3.5% vs. 1.7%).

As for the rate among the services, the Air Force and Marine Corps are tied at 3.3%. The Navy has the lowest rate (2.8%). Across the services, the highest overall rate among both males and females, officer and enlisted, is tied between the Air Force and the Marine Corps at 3.3%. The rate is lowest in the Navy, at 2.8%.

What is causing the stability in the divorce rate? Benjamin Karney, a researcher of military divorce trends with Rand Corporation, says the rate "could be a sign that the various sup-

port programs...are not impacting the divorce rate." (So, does that mean our tax dollars are being wasted on the many family support programs?) The military for the past 15 years had "done a lot to try to support military families, and what we've seen is that families are doing the same as they've always done over those 15 years," he said.

You cannot compare the military divorce rate with the civilian divorce rate, as researchers state, "They are not comparable because they are not measured the same way." Interest-

Continued on page 3

### American Retirees Association Serving Divorced Uniformed Service Personnel

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

The ARA Newsletter is published quarterly.  
To become a member, annual dues are \$30,  
submit the membership form with payment to:

American Retirees Association,  
700 E. Redlands Blvd., Ste. U-307,  
Redlands, CA 92373-6152  
909-557-0107 • Fax 909-335-2711  
[araredlands@yahoo.com](mailto:araredlands@yahoo.com)

**[www.americanretirees.org](http://www.americanretirees.org)**

Chartered California tax exempt corporation, ID: 1551226;  
Federal 501(c)19 tax exempt ID:33-0246743

### How to contact those who represent you 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.

## The Keeler Report

While uniformed service disability pay has had various levels of legal protection from division and partial award to an ex-spouse in divorce cases, I'm sure that in some (many?) past cases, due to combinations of legal ignorance/oversight by attorneys and their Uniformed Service clients (retired or not?), aggressive and/or unethical tactics of ex-spouses attorneys, AND judicial error/complicity, disability pay has been divided in past divorces, either by commission or omission.

If this appears to be the case, can

an easily identified and implemented correction in favor of the divorced uniformed services members ("US-FSPA victims") be made, especially without individuals having to argue again in state divorce courts?

Obviously, the number of veterans involved is important, and maybe the next matter on any agenda. If the number of such cases is few, it's likely not worth the effort to seek redress. Could this be initially sampled by asking for personal responses in the next ARA newsletter, or...?

At the moment, all I can envision as the eventual least difficult remedy (for dozens, hundreds, thousands of us?) would be for the U.S. government to reimburse those materially affected by the lost disability amount, thus eliminating so much trouble, and the cost of veterans reopening old, flawed divorce cases in so many jurisdictions with uncertain outcomes. Whether such potential compensation should be retroductive, or just start upon authorization, would be another matter!

## Thole Report

Continued from page 3

ingly, it is the Centers for Disease Control that tracks the U.S. divorce rate, but does not include five states. The last data the CDC has is for 2018, when the civilian rate was 2.9% per 1,000 population (between 40 and 50%).

A possible reason for the stable military divorce rate could be that the average age for marrying is now between 26 and 30. Compare that to age 20 in the mid-1950s, and the age at which men and women marry has been climbing ever since. Couples are allegedly more mature in their late 20s than in their early 20s, and articles on establishing yourself first and starting a retirement fund abound everywhere. Women, more so than men, are well aware that their career can be derailed early on when they marry and start a family right away.

One can't help wondering, too, whether seeing so many divorces causes a person to think twice when pondering marriage at too young an age. Notwithstanding the military life, it is a wonder that the divorce

rate isn't a lot higher. It would pay service members to do some homework before marrying, as separations are not the way to go when you have just gotten married. For example, research your career field to learn how many deployments and when they will take place. Will the new spouse have an already established support network for the absentee periods those early years in the military? That is not to say that career service members don't experience separations to answer the call of duty. But in the beginning, without a whole lot of knowledge, support, and maturity, holding the marriage together can be its own tug of war. (It is puzzling that the Navy has the lowest divorce rate among the services, given its months-long tours at sea!)

Remarrying is not the answer either. In second marriages, the divorce rate is 67%; in third marriages, 74%. Couples fail to perform an "autopsy" on their marriage and divorce, as Dr. Phil likes to call it, on their previous marriages, ending up with the same problems they had before and did nothing about.

Regardless the divorce rate, couples do keep their marriages to-

gether, and they do it through constant hard work, maturity, knowledge, and faith. Nothing is perfect, and they know that. If one enters marriage with the idea that if it does not work out, well, you can quit and start over again, then look into the future to what you may be doing to yourself, your family, and others when you end up divorced. When I think of a service member, the term "quitting" is never in that same conversation. Your marriage isn't a TV set that you toss out

Continued on page 5

**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.

## **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.

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
Armed Forces Marketing Council .....	theafmc.org, info@theafmc.org
Armed Forces Retirees Association .....	armedforcesretirees.org, 617-590-0172
Army & Navy Union USA .....	armynavyunion.us, info@armynavyunion.us
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, brucehollywood@gmail.com
Korean War Veterans Association .....	kwva.us, membership@kwva.us, 217-345-4414
Legion of Valor .....	legionofvalor.org., 202-320-3295
Military Families United.....	www.militaryfamiliesunited.org, rjackson@militaryfamiliesunited.org
Military Order of the Purple Heart .....	purpleheart.org, membership@purpleheart.org, 703-642-5360 Ext 119
Military Order of Foreign Wars .....	mofwus.org
Military Order of the World Wars .....	militaryorder.net, chiefofstaff@moww.org
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
Reserve Enlisted Association .....	reaus.org, legislation@reaus.org
Reserve Organization of America .....	roa.org, ROAInfo@roa.org, 1-800-809-9448
Sea Service Family Foundation .....	seaservicefamily.org,
Society of Military Widows .....	militarywidows.org
TREA: The Enlisted Association.....	treea.org, 1-800-338-9337, 303-752-0660
The Flag and General Officers Network.....	flagandgeneralofficersnetwork.org, 401-474-7079
The Independence Fund.....	independencefund.org, 888-851-7996
Tragedy Assistance Program for Survivors .....	taps.org, 1-800-959-8277, 202-588-8277
VetsFirst. ....	vetsfirst.org
Veterans of Foreign Wars of the United States.....	vfw.org, 816-756-3390
Veterans of Modern Warfare.....	vmwusa.org
Vietnam Veterans of America .....	vva.org, 1-800-882-1316

Share your USFSPA reform concerns with those your dues support.

## Stewart Report

We have a great need for cosponsors for HR 2323 in the 116th Congress (2019-2020): Spousal Membership for Veterans Organizations Act of 2019, the text of which can be found at | Congress.gov by typing in the bill number.

We can't expect any Representative to be interested if they don't know about the bill. That is why I am asking each of you to call this bill to the attention of your own Congressional representative. I have written well over a hundred letters to individual Congresspersons on this bill. However, letters aren't nearly as effective as a phone call from a constituent of their own.

An easy way to find the contact information is to go to uniformed services association.org on the web and click on "How to find your Congressperson." Click on the "Representative" tab, scroll to your state and, after clicking on the name you're looking for, click on the contact button to access the phone number and email address. Email and FAX messages are better than letters because they cut through the red tape delay caused by the security procedures. However, phone calls can get even better results if well done.

Most Representatives will not respond to contacts which do not come from their own constituents. The only HR 2323 cosponsor who we can con-

firm so far has resulted from a letter and follow-up phone call. HR 2323 if enacted into law will enable veterans' organizations such as ours to recruit and enroll spouses of qualified veterans into their membership without jeopardizing their 501(c)19 tax exempt status. It will provide veterans organizations a chance to increase their memberships substantially. It will, at the same time, enhance their ability to support veterans and their families through improved insight and understanding of their concerns. One would think the bill should be an easy sell because it is not expected to cost the government anything more than the cost of the simple administrative law changes.

## Thole Report

Continued from page 3

when it doesn't work. There are two people who have been building their lives together, with the lives of their children thrown in, too. (The base chaplain's office is always available for seeking help. The Family Support Center has resources as well.)

Sometimes people just have to step back to ask themselves, "Am I ready to get married, with all its ensuing requirements and challenges, and am I marrying for the right reasons?" Or, likewise, "Am I wanting to divorce for the right reasons (there are some, actually) and do I know what that entails, and am I ready for the consequences? Be honest. For if you marry too soon, or do not stay married long enough because you decided it was easier to bail, then you will look back and remember that you did not budget for a six-figure divorce. And now what?! A divorce is costly—emotionally, mentally, and fi-

nancially. It is not against the law to be single, nor is it a sin!

There is an old saying in the Marine Corps that, "If the Marine Corps wanted you to be married, they would have issued you a wife." I am sure there are still many who believe that, too, thinking that you can't be married to the military and married to someone else, too. Marrying too young or lacking maturity stacks the deck against you in many ways.

It was General Douglas MacArthur who said, "Americans never quit." While we are relieved that there is no regulation against marriage, we need to teach our military families the skills to hold it together, through thick and thin, and everything else in between. Part of that comes from your genes in the form of common sense, and the rest from good training and the desire to win in the game of life. I am reminded of one person who has always said, "I would rather clean toilets than go through a divorce." Something to ponder.

### LIMITED EDITION



### ARA ball cap,

white with blue visor and custom embroidered logo.

Size adjustable.

**\$11.95 S&H included**

Mail payment with order to:

ARA,

700 E. Redlands Blvd., Ste U-307  
Redlands, CA 92373-6152

## THE HOLLAND REPORT

I urge everyone to read *Howell v. Howell*, and *Mansell v. Mansell* again: I am not a lawyer, judge, nor politician, however, I can read and understand plain simple language, and the USSC wrote these decisions in plain, simple language, ostensibly in an effort to make them easy for lawyers and judges to understand. Unfortunately, lawyers and state court judges were not able to do that!

### **Howell v. Howell 581 (2017)**

In this decision the Supreme Court held: a state court may not order a veteran to indemnify a divorced spouse for the loss in the divorced spouse's portion of the veteran's retirement pay caused by the veteran's waiver of retirement pay to receive service-related disability benefits. The court referenced their own decision in *Mansell v. Mansell*, 490 U.S. 581 (1989) and stated that it determines the outcome here. There the court held that federal law completely pre-empts the states from treating

waived military retirement pay as divisible community property. *id.*, at 594-595.

*Howell v. Howell* reaffirmed *Mansell v. Mansell* and held that it determined the outcome in *Howell v. Howell*. This indicates *Mansell v. Mansell* was the law of the land from 1989 throughout the entire period of time from 1989 to present and, in fact, it is still the law of the land.

VA had a fiduciary duty to administer disability compensation throughout this entire episode and they failed by disbursing disability compensation to former spouses when that was clearly in violation of the law according to the U.S. Supreme Court, in spite of all the clever craftsmanship, sophistry, and fraud committed by lawyers and state court judges.

Ultima,  
NCCM Don Holland USN Ret

### **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 national 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.

### **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*

### **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.

# 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

All shipments of 1 to 4 books will be shipped via USPS. For orders of 5 or more books, please contact our business office for a quote.

Libraries, Wholesalers, Bookstores, please contact ARA Business Office, phone (909) 557-0107, Fax: (909) 335-2711, or email araredlands@yahoo.com for rates and terms.

Please send your book order with payment to:

**American Retirees Association  
700 E. Redlands Blvd., Ste U-307  
Redlands, CA 92373-6152**

Cost (each) x Quantity	\$
California Residents: Please add 7.75% sales tax	\$
<b>Total</b>	<b>\$</b>

For Credit Card orders, we offer two convenient plans:

1. For those who desire to order their book "online", you may enter the ARA Store and follow the easy instructions. Please ensure that the information you provide exactly matches your credit/debit card statement.
2. For those who desire to order their book via U.S. Mail, simply complete the following and return via First Class Mail.

Please send my book(s) to:

Full Name (as shown on credit card) (ARA Member: Yes/No?)	Books quantity
Shipping Address	
City/State	ZIP/Postal Code
Home phone	Cell phone
Business phone	
Email	
Name as it appears on card: _____	
Visa Card Account Number: _____ - _____ - _____ - _____	Security Code: _____ Expires __/ __
MasterCard Account Number: _____ - _____ - _____ - _____	Security Code: _____ Expires __/ __
Amount charged: Dues \$ _____ Book(s) \$ _____	Total \$ _____
Signature: _____	Date _____

The American Retirees Association is a 501(C)19 tax-exempt organization. Your membership dues, product purchase or contribution payment is 100% tax-deductible. To ensure our members and supporters privacy, we do not sell, share, lease or loan personal identification data or lists to any individual or organization.



American Retirees Association

700 E. Redlands Blvd., Ste U-307

Redlands, CA 92373-6152

RETURN SERVICE REQUESTED

NONPROFIT ORG.  
US POSTAGE  
**PAID**  
SAN BERNARDINO  
CA 92401  
**PERMIT NO. 3177**

DUES CURRENT? Check  
date on your address label.



**YOU MUST READ THIS  
BOOK**

**Discover how unpublicized Federal Policy  
brutally punishes loyal career  
Military, PHS and NOAA personnel**

**American Retirees Association**  
**700 E. Redlands Blvd., Ste U-307**  
 Redlands, California 92373-6152  
 to order your copy call  
**+1-909-557-0107**  
 order on-line at  
[www.americanretirees.org/](http://www.americanretirees.org/)  
**\$19.95/copy**

The American Retirees Association is a California chartered Tax Exempt Corporation #1551226 and was also granted Federal Tax Exemption status I.D. 33-0246743. Dues are \$30 a year. Our Washington D.C (703-527-3065) information/support office and Redlands, CA (909-557-0107) membership/sales headquarters phones are voice mail equipped; all messages will receive a response. YOUR DUES AND CONTRIBUTIONS ARE TAX DEDUCTIBLE.