

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

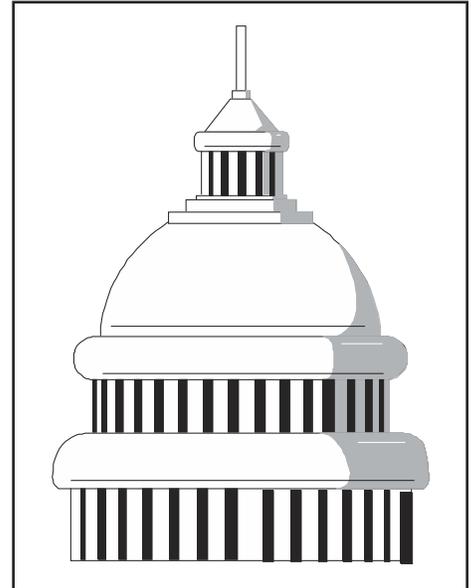
Life goes on as usual in Washington. Congress was in recess for most of August and the first week in September. The House of Representatives has been mostly in recess the first two weeks in October.

The new fiscal year – Fiscal Year 2022 – started on Oct. 1. Congress has not yet passed even one of the 12 annual appropriations bills that fund the departments and agencies of the federal government. Instead, they passed a “Continuing Resolution” on Sept. 30 that allowed funding to

proceed at FY 2021 levels. The “CR,” as it’s known, goes through Dec. 3 – a new deadline for passing the appropriations bills. As Congress does so often, it merely kicked the can down the road.

As regards the annual defense policy bill, the FY 2022 National Defense Authorization Act (NDAA), the House passed its version on Sept. 23. As usual, the Senate is lagging behind. The Senate Armed Services Committee (SASC) filed its version of the bill on Sept. 22, sending it to the full

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State Opt-Out of Retainer Pay Penalty

In divorce settlements of military retirees, Congress permits state courts to treat Military Retainer Pay (MRP, usually called 'retired pay') as marital property, and divide it among the two spouses. However, MRP does not meet any legal tests as marital property subject to dividing. The USFSPA Act enabling this causes the nation's 246,000+ Military Retirees that are divorced to pay ex-spouses

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VIEW FROM THE CHARTHOUSE



By Dennis Egge, President
American Retirees Association

Are we having fun? If I hadn't been out of the country during the Carter administration, I'd say "not since then." I suspect this will be the end of Lincoln's post Civil War Reconstruction project.

More to the point, our USFSPA reform objective: Work closely and in harmony the National Military Veterans Alliance (NMVA), to bring our concerns to key members of congress. You will notice, in this newslet-

ter, all of their Delegate's contact information: Do not hesitate to share your concerns with any of their Veterans Service Organizations you pay dues to.

You will also see a report regarding what USFSPA does that is of concern to anyone who makes a career of military service. You might want to share these thoughts with those elected to represent your interests in Congress and your State Legislature.

We would be glad to bring our message to your next Military Retiree Association Day event, when they reopen to in-person attendance. I receive several phone calls and email messages from concerned USFSPA casualties every month. The Pentagon has done well, protecting divorcing military personnel from the ravages of a military divorce action, but there is more that can be done; that's our job and you're the most valuable part of the team. Do not hesitate to reach out to me for assistance at 703-527-3065 or contactara@rocketmail.com.

*Never give up,
Dennis Egge,
ARA President*

The Washington Ramble

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Senate for consideration.

No telling when the full

Senate will get to it, hopefully before the end of the year. When the bill finally gets to the Senate floor, there likely will be hundreds of amendments to be voted on – some good, some not so good. Let's hope the final version of the NDAA – agreed to by both the House and Senate -- gets passed by Congress before the year ends.

As best we can tell, there is no provision related to the Uniformed Services Former Spouses Protection Act in the House-passed version of the NDAA, or in the Senate ver-

sion as advanced by the SASC. However, it's still not too late to reach out to your senator – via the senator's Military Legislative Assistant -- if there is a specific provision you would like the senator to consider.

Interestingly, it appears that the final version of the FY 2022 NDAA will require women to register for the draft. This seems only fair, since women were admitted to combat units in 2015. The number of women in the armed forces has been growing incrementally since then.

American Retirees Association Serving Divorced Uniformed Service Personnel

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State Opt-Out

Continued from page 1

over \$1.5 Billion annually in wrongful divisions of Retainer Pay, without even considering fault or need. Payments are often 50% of MRP, and sometimes more. Some former spouses get payments from multiple retirees (they seek marriage and divorce to get payments – blatant abuse of a broken system). Payments continue FOR LIFE regardless of the former spouse's income or remarriage (good luck getting part of your ex's benefits).

This is wrong for many other reasons too:

- The U.S. Supreme Court ruled that MRP is not subject to division as common property in divorce proceedings.

- All 50 states have jurisdiction in divorce matters. It is a states-rights matter, not subject to whims of Congress.

- No one else is subject to this; not civil servants, union members, Congress, or any in-

dustry!

- The 14th Amendment guarantees equal treatment for all, so this discrimination is both unlawful and unconstitutional.

- This hurts military retention and morale, and hurts society by encouraging divorces and breaking up families.

Dividing Military Retainer Pay is wrong and must end. The Supreme Court of the U.S. Territory of Puerto Rico ruled that MRP is the sole property of the Service Member. Each state should modify its state law the same way - define MRP as non-marital property, and therefore not subject to division in divorce. This was Congress' original intent – MRP is the property of the Service Member only due to possible future recall to military duty, and hence the term 'retainer pay'. This was further confirmed by the U.S. Supreme Court and Puerto Rico Supreme Court. MRP was never intended for ex-spouses, who are well taken care of finan-

cially in divorce in many other ways.

Take Action: It's easy to find your state Senators and Representatives online (state politicians; not U.S. politicians). Write or call them, especially those representing your district, and ask them to sponsor legislative change. Help them by identifying the law. For example, in my state of Virginia, it's the Code of Virginia 20-107.3 Division of Property in a Divorce (also easy to find online). Ask them to add the sentence "Military Retainer Pay is the sole property of the Service Member."

Fix this injustice, as Congress intended and the Supreme Court confirmed! Get the MRP that was promised to you and only you! With a little effort and no legal fees, you could save yourself over \$10,000 a year, and help fellow retirees too!

Philip Lienert

USAF retired in Virginia

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 BOD*

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.....	treea.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

Have you been responsible for the past 4 months?

I trust everyone is safe and well and doing what is necessary to stay that way. I have predicted that two things will go up during this period of quarantine and not getting out of the house much. The first is obesity (where 2/3 of the population is already overweight and half of those people are obese) and the second is divorce. Why divorce? You would think that of all the types of people who could weather staying locked up for 24/7, it would be the military people. Why not? We are strong, disciplined, used to adversity and hardships, well trained, and you have been taught to “get over it.” But today’s society is anything but, and often classified as “soft,” and so some problems do not always escape military families.

So, if you have been on each other’s nerves, what have you been doing to solve problems? The #1 and #2 reasons for divorce are infidelity and money issues. If you have not been doing any of the following (next paragraph) during this mandatory “house arrest,” then you have not been acting with leadership or maturity. Strong

words to use? Not really, not if you know that mature people look at priorities, assess the situation, and make changes. They are responsible people, who think about others and the effect on people around them.

During your house-bound period, have you done any of the following?

1. Reviewed your budget to see where cuts can be made (Oh, you don’t have a budget? Shame on you!)?

2. Updated your estate planning documents—will, trust, instructions for after your death, etc.?

3. Verified that all the beneficiaries on insurance policies and anything else requiring you to list a beneficiary are still the people you want on them?

4. Saved, since you were not driving much at all, or eating out, or needing new clothes, and certainly not buying anything just because you were depressed?

5. Cleaned out the garage that you can’t put your cars in?

6. Gone through closets to determine what still-wearable clothing can

be donated, what can be tossed?

7. Looked through the STUFF in your house to see what you could sell on eBay or Craigslist, or donate?

8. Cleaned out the refrigerator and pantry of outdated and science-project-looking food you can’t even identify?

9. Added to your retirement portfolio? No? I started saving when I was 5 years old, and haven’t stopped. Articles that used to say that in retirement you would only need 60 to 75 percent of your after-tax income now say you need 100 percent of your pre-retirement income in retirement. One expense category in pre-retirement is often exchanged for another in post-retirement. So, the money still disappears.

10. Taught your young children or grandchildren skills they will need—such as cooking, cleaning, washing the car, cutting the grass, doing laundry, loading a dishwasher, writing thank-you notes, math (count out place settings), basic repairs, etc. What about historical dates? Do the

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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.

Thole Report

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children know why you put out your flag on June 6? We honored our nation's history with the 76th anniversary of D-Day. There are adults who have no idea what that day is. Teach your children the significance of such historical dates. This country is repeating too much of history and not learning a damn thing from it! As USMC General James Mattis has said, there are no new wars.

Are you guilty of ignoring the three P's? If all you have done is to overeat while binge watching shows on Netflix, wearing out your couch, or spending money you don't have with online shopping, then you have been an irresponsible person. If you have

avoided having serious talks with your spouse, then you have been an irresponsible partner. If you have failed to continue your children's education while they have not been in school, then you have been an irresponsible parent.

We have all been given the most precious gift of time during this period of COVID-19, and for many of us older folks, that period will last a lot longer than you think. How many of you have wasted it? How many of you have grown and prospered as a result? How many of you have strengthened your marriage during this time, rather than bailed out at the first hint something doesn't go your way? This day is yours, and tomorrow is yours. The future is in your hands. Make the most of it.

The Thole Report is reprinted from the July 2020 issue.

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.

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REPRESENTATIVES FREE OF CHARGE AT:

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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.

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

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