THE WASHINGTON RAMBLE

By Capt Michael P. Smith
ARA Executive Director

Given the holiday period, most of the Congress is in recess. However, we did communicate with select Representatives including the new Speaker of the House, Congressman Paul Ryan. Speaker Ryan agrees we must reform or “fix” the Former Spouse Protection legislation. It is outdated. We all know the legislation must be repealed. Frankly, it is encouraging that most of the House and Senate concur. The distraction today is our country’s National Security. Many members of Congress are appalled about the administration’s flawed “Middle East Policy.” The Iranian Nuke Deal is another low in the current non-leadership in our government. Why are we even negotiating with our enemy? Clearly, this “deal” will come to “bite us.” Your “do-nothing Washington” is still mostly doing nothing while our country falls into more debt and liberal leadership takes us into a turbulent Middle East with the threat of ISIS filtering into our country. Meanwhile, many issues are left hanging including repeal of USFSPA. Most Americans simply do not trust our government! For right reason...the recent debates have precipitated issues like the IRS scandal, tapping into our privacy...unanswered questions about Benghazi...trading of an Army “deserter” for released GITMO senior ter-

rorists...questionable activity within the State Department...and the list goes on! How can “Global Warming” take first place as our number one concern. Thought the principal job of our President is National Security. The incident in California with killing 14 people by radical Islamists proved that wrong. Further, we are all wondering: “who’s driving the government?” Many Americans are fearful we will lose international credibility. The real problem, where is the top-leadership? While all this chaos continues where is our Chief Executive...our Commander-in-Chief? Oh yes...on vacation in Hawaii at our expense.

Almost daily, I contact Congressional members on USFSPA with different Representatives. Don’t bother with staffers...go directly to the elected Member of Congress. ARA’s on-going activity to “educate” new and senior Members of Congress is becoming effective. While in Ohio, I spoke with Congressman Bob Gibbs (R-OH) who badly needed to be briefed on the damage of USFSPA. He finally “saw the light” for repeal. However, he’s been distracted with Veteran’s Administration failures. We are still seeing non-support to veterans applying for assistance...especially health appointments.

Predictions for 2016: I foresee more Washington gridlock and “partisan” politics. We’ve

The Thole Report

COMPILICATIONS COUPLES MAKE FOR THEMSELVES WHEN GOING THROUGH A DIVORCE

Nearly every call that I have gotten has been from desperate people who have managed to get themselves into a real bad situation through their own actions or lack thereof. Information is power, and when you don’t have the information you need, you find yourself panicking and upset, feeling powerless, and expecting others to make things right when you did not do the right thing yourself.

The following is a list of just a few of the problems people have made for themselves, and what you can do to avoid making the same mistakes.

1. Three of the calls received in one week were from people whose di-
It’s a new year: The U.S. Supreme Court announced its McCarty v. McCarty, 453 U.S. 210 (1981) decision, on June 26, 1981. Encouraged by it, the 97th Congress adopted Uniformed Services Former Spouses Protection Act (USFSPA) provisions that have been with us since June 25, 1981, to ensure seamless continuation of their purpose.

That’s a long time to endure such demoralizing pain imposed by our family law industry but we are still serving proudly. The frequent calls I receive from divorcing military personnel, and their spouses, reminds me that our mission is not a lost cause; it needs to be pursued to a just conclusion.

To our credit, the 2016 National Defense Authorization Act establishes a new “thank you for your service” 401K-style, defined contribution retirement plan, for service personnel who honorably separate, before becoming eligible to receive traditional, non-contributory defined benefit, military retirement system benefits.

In California, Kniss v. Kniss established the principle of addressing and resolving all military divorce related financial issues, in 1990. This precedent was eventually depublished and the record destroyed.

In Indiana jurisdictions, the court may not award a portion of military retirement system pay to a divorcing dependent military spouse, unless they too are fully vested. Puerto Rico does not participate in USFSPA games, nor do any foreign jurisdictions. However, foreign national dependent military spouses may file for divorce in the US jurisdiction of their choice, from their home country. Our family law industry attorneys are there to assist them.

For the benefit of disabled divorced service personnel, Arizona law does not allow its jurisdictions to involuntarily allot a disabled veterans compensation to their former dependent military spouse, directly or indirectly, without VA approval. Wyoming law was recently changed, in accord with the precedent set in Arizona. California law does not preclude indirect court ordered redistribution. None of this is an issue for personnel who are retired from creditable service, rated 50% or more disabled. Federal law allows them to receive their military retirement system pay and disability compensation, concurrently.

Addressing USFSPA inequities that exist in the jurisdictions where we reside is always a great idea. In Hawaii, the jurisdiction where I reside, HB 805 will be re-introduced, in January 2016. Please advise, if you are pursuing this with your state legislators; we would like to help.

Our ARA action line number and email address is published in this newsletter.

At your service,

Dennis Egge, ARA National President

The Washington Ramble
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yet to hear any tangible follow-up and credible answers to the horrible Libya “Benghazi” issue. If you haven’t seen the newly released motion picture: “13 Hours” it is excellent.

See it. Also, Congressional hearings will get more intense. Rep. Trey Goudel is clearly not finished. He is determined to get answers. Debate will be “hot” over the Hillary e-mails during this pivotal time to save our U.S. Embassy and Ambassador Stevens.

Our country’s White House is without respect from our international allies. Obama’s recent address to the American people triggered more distrust and anxiety given the threat of domestic terrorism. Recent polling reflected no confidence in this President.

Veterans in various military hospitals need our help!

If you know of a recently discharged service member...reach out to them.

More fireworks ahead on Pennsylvania Avenue and Capitol Hill...stay informed and watch the upcoming debates. We need to be ready to elect our next President in 2016.

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

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

share your USFSPA reform sentiments with them and share their responses with us!
The divorce was final years and even decades ago. The time to ask questions or object is BEFORE you sign the final papers, not years later. KNOW EXACTLY WHAT YOU ARE SIGNING. Understand what your state statutes say about reopening a divorce case. What are the time limitations? Get a book on divorce if you have to, as there are often great checklists that you can follow. Consider that once you sign the papers, they are FINAL. So make sure they are right to begin with. If you are wanting to reopen your case years after the divorce, you need to ask yourself: Why?

2. When you can’t tell me what your retainer agreement says, that says you probably have never read it. If the attorney has asked for a retainer, yet has not provided a written agreement, ASK FOR ONE. Understand how you will be billed (in 10-minute increments? 15-minute increments?). Ask what happens to money you paid upfront that is not used. Understand exactly what the retainer is for. Ask if you are charged the same attorney rate when the paralegal is doing work on your behalf, or a lower associate is doing the work. In short, READ THE RETAINER AND ASK QUESTIONS IF YOU DO NOT UNDERSTAND IT.

3. In the complimentary calls I get, it is hard to steer people in the right direction, as they have no information. They can’t answer simple questions, such as, “When was the last document your attorney filed?” Or, “When was the last communication you had with your attorney?” KEEP A JOURNAL OF YOUR DIVORCE PROCESS. Be sure to include the date, what it was (e.g., phone call, email, time, document, who, and a description of that item). Keeping it in a spreadsheet makes it easier to find information. Cross-check your journal entries when reviewing the bill from the attorney. DO NOT ASSUME THE ATTORNEY IS KEEPING DETAILED RECORDS. (The attorney could be batching tasks on your case.)

4. Your attorney cannot promise you anything (except that he/she will get paid). Do make sure the attorney explains what he/she will do for you. Write that information down. Ask the attorney where you can find the divorce/family law statutes in the state code. Then read them. YOU HIRE THE ATTORNEY, not the other way around. Know what you are getting.

5. You wouldn’t go to a dentist for brain surgery, even though the dentist is also an M.D. (with DDS after the name), would you? So why go to an attorney who is not practicing family and divorce law? Just recently, I got a call from someone who did not even know whether his attorney was a divorce attorney! You have to wonder how something like that happens. HIRE A FAMILY/DIVORCE LAW EXPERT. Ask questions, such as how many cases has the attorney had where one of the parties was active/reserve/guard/retired military? Ask whether the attorney knows what SBP is? The attorney may be a divorce attorney, but may have no experience with a military divorce. My book, DIVORCE AND THE MILITARY II, has a comprehensive checklist to use when interviewing an attorney.

6. If you (either party) do not know what SBP is, or what benefits you receive, or your privileges when it comes to medical care, then you have been living under a rock. With the exception of living in a remote area with no access to a military installation, you need to familiarize yourself with the base/post facilities such as the Family Support office. That office, often along with the chapel, offers briefings to learn all these things. If your excuse is you don’t have time, then MAKE THE TIME TO EDUCATE YOURSELF. I can’t tell you how many times I get a call from a spouse who, after 22 years of marriage, still does not know what SBP is! Really?!

7. While one spouse in the marriage may be the keeper of the checkbook, BOTH SPOUSES NEED TO KNOW THE MARITAL FINANCIAL STATUS. Some spouses have NEVER seen the Leave and Earnings Statement of their service member spouse. Know what your monthly spending is, where the accounts are, etc. In short, both of you need to know exactly where you stand on all finances. If your attorney does not ask for a monthly budget sheet from you, ask why he/she is not asking for that.

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National Military and Veterans Alliance
Uniformed Services Former Spouse Protection Act (USFSPA)
legislative agenda for the 112th 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 to identify members of Congress to introduce meaningful legislation to address many of the problems, for all parties, that currently exist within the USFSPA.

How to contact those who represent your interests in Congress
Call (800) 862-5530 or (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.

Share your USFSPA reform concerns with those your dues support.

American Logistics Association ............................................................len@ala-national.org
American Military Retirees Association ...........................................(800) 379-6128
American Military Society .......................................................info@amra1973.org
American Retirees Association ..........................................................Contactara@rocketmail.com
American WWII Orphans Network ...............................................Awon@aol.com
American Veterans (AMVETS) ..........................................................Amvets@amvets.org
Armed Forces Marketing Council ....................................................Riprowan@aol.com
Catholic War Veterans .................................................................Cwvlmt@aol.com
Gold Star Wives of America ..........................................................info@goldstarwives.org
Japanese American Veterans Association ......................................Admin@javadc.org
Korean War Veterans Association ..................................................BillHutton@kwva.org
Legion of Valor ...............................................................Pconran@cox.net
Military Order of the Foreign Wars .............................................Spackmanj@yahoo.com
Military Order of the Purple Heart .............................................Bbacon@purpleheart.org
Military Order of the World Wars ................................................Moww@comcast.net
National Association for Uniformed Services ................................Wmatz@naus.org
National Gulf War Resource Center ...........................................Pdavidson@ngwrc.org
Naval Enlisted Reserve Association ..............................................Neraexec@nera.org
Naval Reserve Association ..........................................................Legislat@navy-reserve.org
Paralyzed Veterans of America ....................................................info@pva.org
Reserve Enlisted Association ..........................................................info@reaus.org
Reserve Officers Association .......................................................Dmccarthy@roa.org
Society of Military Widows .........................................................Benefits@militarywidows.org
The Retired Enlisted Association ...................................................Treahq@trear.org
Tragedy Assistance Program for Survivors ...................................info@taps.org
TREA Senior Citizen League .......................................................(800) 333-8725
Uniformed Services Disabled Retirees .........................................DegreedInfantry@yahoo.com
Veterans of Foreign Wars ...........................................................info@vfw.org
Vietnam Veterans of America .....................................................Communications@vva.org
Women in Search of Equity ..........................................................Lindylove@aol.com
When you sign your annual tax return, know what you are signing. Make sure both partners are involved in the preparation of the tax return. The days are long gone when the “wife” knew nothing about finances. But sometimes I have to wonder if those days are really gone, from the comments I get when talking to spouses.

8. If you suspect your spouse may be hiding money, then your attorney should be requesting discovery. Don’t know what discovery is? Look it up. KNOW YOUR FINANCIAL PICTURE.

9. When you get information, do not assume it is correct. I realize that may sound strange, but even attorneys make mistakes. When I get information, I ask for the source. When you have to look something up, you are more apt to remember it. EDUCATE YOURSELF. As Reagan said, “Trust, but verify.”

10. Be honest with your attorney. If you think you have a complex case, say so. The attorney may be the kind who only likes simple, straight forward cases, with no complications. I will be on the phone in a complimentary call, and I have to literally pull information out of someone, and then the person hits me with a zinger at the end. Example: A retiree finally said, evading most of my questions, said at the end of the call that he was on his fourth wife, and the first wife was already receiving half of his military retired pay. Okay. So where was the money coming from to pay the other two ex-wives? Oh - he failed to mention his consulting job. BE HONEST WITH YOUR ATTORNEY AND ALL PROFESSIONALS INVOLVED IN YOUR CASE. They can’t help you when you withhold critical information.

11. Too many couples marry too soon before the ink is barely dry on their divorce papers. Know that you are on the rebound, and need at least two years (as many experts state in their books) to adjust to your single status. The rate of divorce for second marriages is 67 percent. The rate for the third marriage is 73 percent. DO NOT RUSH INTO ANOTHER MARRIAGE. DO NOT MOVE IN WITH SOMEONE (as in another partner). Understand what happened in the marriage to cause a divorce. We live in a throw-away society, and are too quick to get rid of a lifetime with someone without looking at the good parts and how the bad parts could have been addressed. DIVORCE IS EXPENSIVE. If you had problems in the marriage caused by money, they will not go away and, indeed, will get worse. Seek counseling - marriage and financial.

12. If you are overwhelmed by the entire divorce process, then it is time to get some help. But do not wait, thinking the problems will resolve on their own. And don’t wait 22 years to call with a question that should have been addressed at the time of the divorce. Perhaps I can steer you in the right direction. And on a steady path to get your life in order as you move on.

Author of DIVORCE AND THE MILITARY II, Lt Col Thole, USAFR/Retired, helps people create order out of chaos so that they can communicate better with their attorney and keep their sanity throughout the entire process. You may contact her at 505-856-2080 (after 10 AM MST). She is not an attorney.
### Membership dues/book order instructions and form

Annual membership dues are $25.00

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:

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ATTENTION
SERVICE MEMBERS AND SPOUSES
Trying to make your way through the USFSPA maze? Need assistance in working with your attorney? Want to learn how to save money throughout your divorce process? Then consider the services of a degreed paralegal who can work with you and your attorney. Marsha Thole, co-author of *Divorce and the Military II*, has worked with clients and attorneys since 1994. Free initial consultation.

CONTACT MARSHA THOLE
at (505) 856-2080 or contactara@rocketmail.com
DUES CURRENT? Check date on your address label.