THE WASHINGTON RAMBLE

By Capt. Michael P. Smith
ARA Executive Director

With many conservative Presidential candidates lining up, I have the opportunity to ask about the Former Spouse Protection legislation (USFSPA). Most agree this legislation must be repealed. In the months ahead, I hope to get responses from all the candidates. Currently, most of the House and Senate agree with repealing USFSPS. However, the distraction today is our country’s National Security. Many members of Congress are appalled about the administration’s flawed “Iranian Nuke Deal” and its ramifications. Congress has 60 days to analyze this “Deal.”

On a positive note, our veterans received some good news with the 21st Century Cures Act. The House passed this important legislation by a 344-77 vote. This 18-month effort by Energy and Commerce Chair Fred Upton and his Democratic co-sponsor Diane DeGette was aimed to get new medical treatments to patients faster. This focus is geared against the “Superbugs vs. Antibiotics” battle that continues to kill wounded American military members daily. These “Superbugs” are getting more and more resilient against “antibiotics.” This legislation will pump $8.5 billion of mandatory funding into the National Institutes of Health over five years and targeted to spur biomedical research. The Food and Drug Administration (FDA) would also receive $550 million in new mandatory spending. The recent vote should put pressure on the Senate to move quicker with its similar biomedical reform effort known as “Healthier Americans.” Your “do-nothing Washington” is now doing something.

The National Military Veterans Alliance (N M VA) and other veteran organizations are pushing for sponsorship of the “Promise for Antibiotics and Therapeutics for Health (PAT H ) Act.” This bill, introduced by Senators Hatch and Bennet, will help address the growing public health and national security threat brought on by antibiotic resistant bacteria. PAT H is crucial because these deadly bacteria are infecting our military, veterans and fellow citizens at an alarming rate. Further, we do not have the drugs to treat our military and citizens. Twenty-three thousand Americans die annually from antibiotic resistant bacteria. Those who serve in our military are at particular risk. They endure and are being saved from their combat wounds only to be come victims of untreatable, deadly superbugs. More than a third of our wounded warriors injured in Iraq and Afghanistan...
DFAS admits to managing 112,270 male USFSPA casualty (aka garnished) retired pay accounts: Senior enlisted male personnel account for 50% (55,678) of this total; they serve (by invitation) in pay grade E7 through E10, at the will and pleasure of their respective service secretaries. Viewed from our perspective, these seasoned personnel represent USFSPA’s primary target audience.

Male officer corps personnel, serving in pay grades W1 through O11, account for 30% of the total USFSPA casualty count. Personnel serving in pay grades O5 and O6 are USFSPA’s principle officer corps targets. The combined female officer and enlisted personnel USFSPA casualty count represents nearly 1% of the total.

I choose the term “serving” deliberately, to establish the true status of USFSPA casualties, simply because that’s what we do. Those we elect, time after time, to represent our interests in Congress and our respective state legislatures, ignore and dodge this issue, respectively; that doesn’t make them right. It does label them patently insconsiderate, to say the least. Do they pay a price for this cavalier attitude? The masters they serve, after we have “taken the bait” and re-elected them, are not persuaded.

Arizona and Wyoming protect their divorced veteran’s disability compensation from redistribution to their former military spouses; we applaud them. One or two additional states do limit division of divorced military personnel retired pay to former spouses, if for example, they served with their sponsors for 20 or more years. The rest of our state legislators consistently cave to their respective wealthy divorce industry lobbies; all but one of our territories follow this example. Puerto Rico does not participate in USFSPA’s divorce action redistribution of wealth game.

Last year, the Hawaii State legislature addressed the divorced disabled veteran’s compensation issue all the way to the joint conference committee; the hearing was cancelled due to insufficient time. On the opposite side of this same coin, the Governor vetoed a bill that aligned court ordered garnishment of divorced Hawaii public sector employees, pension pay with USFSPA imposed provisions that are imposed on federal uniformed service personnel, and others.

The Florida state legislature is addressing inequities in its alimony laws, if reformed, this reform effort will benefit divorced veterans and uniformed service personnel. They have been down the legislative path three or four times.

We proceed with due deliberation toward our USFSPA reform terminal objective. We prevail, where others have failed in this quest for equal justice for all.

When ARA members provide input, regarding efforts to reform application of USFSPA provisions in their respective state legislatures, we call subject ARA members to action. Our thoughtful unified voice creates a sense of concern in the minds of their elected law makers. Conversely, they and pro-USFSPA advocates love it when we play drama games among ourselves. Our members today are a determined bed-rock. We endure the suffering USFSPA provisions callously bring into our daily lives, knowing what we are striving to accomplish will prevail. I invite you to join this sense of eternal optimism, for the sake of those who lose hope. Our email address and action line are open to input from any and all distressed USFSPA casualties, 24/7.

At your service,
Dennis Egge, ARA National President

Letters to the Editor

I do have some terrific news out of Philadelphia where a Pennsylvania judge decided to obey the current federal statutes, regulations and policy directives regarding a disabled vet and child support: “After years of battling with my child’s mother, finally a big win in court, child support was adjusted to 0, and she has gone for a Porsche meant like she should have gone, from the very beginning. Being arrested for child support she has used the power of the state to take my freedom and attempt to take my benefits, as a combat veteran. Thank you Greg Parsons for educating me on what my rights are and thank you for motivating me to keep on fighting.....”

G. Michael Worthington, 100% disabled veteran

A few days ago in Oklahoma, a married couple of 100% disabled vets had their credit union account frozen

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While the administrative logistics of managing a divorce can be overwhelming, I have found in my career of working with clients that attitude can make or break any situation. Divorcing couples are no different. Every situation below is one I have encounter repeatedly. And it makes no difference whether it is the husband or the wife. If my “attitude” is a bit strong for some of you, keep in mind that I am dealing with people who should know the answers to all of these, yet play victim by claiming that is not their job to know.

1. ATTITUDE #1: “I don’t want him/her to get anything!” Really? Then you should never have married. Did the spouse (usually the wife) stay home to raise your children? The answer to that is usually, yes. Yet she deserves nothing in your mind. Sorry, folks, but things do not work like that. You need to get rid of the attitude that your spouse did nothing and deserves nothing. The Courts will likely disagree with you 100% of the time. Besides, if things were that bad, you should have divorced years ago.

This attitude can prolong your case because you are perpetually stuck with an unreasonable attitude such that your attorney cannot help you when your mind is so closed.

2. ATTITUDE #2: “I didn’t know that (there is such a thing as SBP, SGLI, etc.). How am I expected to know all those things?” Really? You were married for 22 years and you have never heard of SBP? Spouses who have never heard of SBP are the ones who have never participated in the military community. There is no way someone married to another person in the military should not know these things.

The Family Support office holds regular briefings. The newspaper (e.g., Air Force Times) and magazines from various military associations (e.g., NCOA and MOAA) publish information all the time. READ! Quit playing victim here, and get involved and educate yourself. With this attitude of staying in the dark, you are prolonging your case because you (1) have to get educated on simple issues, (2) your attorney has to take longer to explain things, (3) and you hinder your own negotiations because you are unaware of what you are negotiating for.

3. ATTITUDE #3: “I leave it up to my spouse to take care of all the finances. So I have no idea how much money he/she makes or where it is going.” So you just disavow all knowledge and that gets you off the hook? In many cases, the spouse has never seen the service member’s LES. Do you and your spouse not communicate? If not, why not? While one spouse may be responsible for paying bills, both need to know exactly what their financial situation is. Your attorney will ask you to provide a monthly budget, showing what is coming in and what is going out.

Having this attitude means you cannot successfully assist your attorney in a timely manner or at all, especially when one spouse is asking for alimony/maintenance. You need to

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**PLEASE ADVISE**

If DIVORCE AND THE MILITARY II is not on your MILITARY EXCHANGE BOOKSHELF, they are undermining our objective to provide all uniformed service personnel and their dependent spouses the opportunity to read this full disclosure reference guide before they divorce.

My email address is contactara@rocketmail.com.

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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 with Congress for hearings regarding the USFSPA prior to the markup of the 2010 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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Share your USFSPA reform concerns with those your dues support.

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.
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help your attorney, so he/she can provide the best counsel possible. GET INVOLVED in managing the household finances. Ignorance, when it comes to money, is NOT bliss.

4. ATTITUDE #4: “I am leaving it up to the attorney to do that.” Not all attorneys have the answers to everything. They and their staff make mistakes. It is up to you to keep tabs on every task in your case. Look things up online if you don’t understand a theory or concept. Many answers related to military benefits can be found at www.DFAS.mil. Do not hide under a mushroom by absolving yourself of all responsibility here.

With this attitude, you may be over-billed, or overlook something that has to be done or information that is critical to your case. I have seen military divorce decrees where SBP was not even mentioned. Keep a journal of everything that goes on. Do not let a month go by without getting a bill from your attorney YOU are responsible for your case, and the attorney works for you. To leave everything up to your legal team is an attitude that will cost you more in the end.

Divorce is bad enough with emotions running hard and high. But to add bad attitudes to the mix only makes the entire situation worse. What is the bottom line with such attitudes? You prolong your legal case, you create obstacles for your attorney in defending you, and you end up settling on issues for which you are clueless (along with your attorney at times!) and that will often come back to haunt you. In short, these attitudes will cost you more - in time, energy, and money. So ditch the attitude!

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

Letters
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because of an alleged child support arrearage. This despite the fact that the Income-Withholding-Order submitting OK Title IV-D attorney possessed a March 2014 notarized Parsons Due Process Affidavit from the female vet stating that no PORTION of her military retired pay was waived in order to receive her VA disability compensation benefits award. The affidavit also cited IM-98-03 and 31 CFR Part 212 Final Rule 2013.

The credit union attorney refused to unfreeze the account despite having perused the vet’s affidavit which asserted IM-98-03 and 31 CFR Part 212. She stated that the OK Title IV-D attorney had a child support exception and that both vets’ awards would remain frozen. After 24 hours or so, the credit union released all but $400.00, which has now been garnished, back to the veterans account.

After reading the attached vet’s affidavit, click on the question, “Do the Agencies also discuss the garnishment of payments made by the Department of Veterans Affairs (VA) by child support enforcement agencies in the preamble of the Final Rule?” and read the U. S Treasury clarification answer at http://www.fiscal.treasury.gov/fsservices/gov/pmt/efd/regulations/31CFR-part212-faq-questions.htm.

The two vets are currently seeking an attorney to sue Oklahoma Title IV-D Agency, the credit union and Region VI Office of Child Support Enforcement/Administration for Children & Families.

Okay, now that the USSC has ruled on gay marriage what direction, if any, can we take on USFSPA? Would a movement to change Title 10 USC 1408 verbage offer any relief with the idea of “getting a nose under the tent” to make aware to elected officials of what the law really means now that same sex marriage is allowed?

Does the intent of Congress to pass the law in 1982 still hold true today?

I am interested in your thoughts.

Please reply to all addresses.

Thanks, Jack

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!
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The Washington Ramble
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developed a bacterial or fungal infection. Please support this legislation.

In a recent poll, most Americans simply do not trust their government! For right reason...the IRS scandal, tapping into our privacy...unanswered questions about killings in Benghazi...trading of an Army “deserter” for released GIT MO senior terrorists...questionnable activity within the State Department...and the list goes on!

Further, many Americans are fearful we will lose international credibility. What about our closest supporter and friend Israel. Were they considered in the recent Iranian “nuke” deal? Why were the four hostages not considered for release from Iranian prisons as part of this deal?

Every week, I speak with a Member of Congress or a staffer on USFSPA. So far, they are all open to repealing USFSPA. ARA’s on-going efforts at the state level are the most effective. We are “educating” new and senior Members of state legislatures. Keep up the momentum in our various states. Leadership is listening.

Surrounding the “Hill” mess, I salute Congressman Trey Gowdy for his special investigative committee. We’ve yet to hear any tangible follow-up and credible answers from the Department of State on the horrible Libya “Benghazi” issue. Rep Trey Gowdy is determined to get answers by cutting State Department funding.

In the current White House anything still goes...unbelievably no White House representative called the family of slain 32-year-old Kate Sheinle. She was shot by a five-time deported alien in San Francisco. This opened the issue of U.S. cities being “Safe Havens” for felons. However, Federal law to deport trumps local and state laws. Safe haven San Francisco did not comply with Federal law. An initiative to beef-up the mandate for deportation will be introduced to Congress under the title: “Kate’s Law.” We will follow the development of this legislation and keep you informed.

Visiting our many veterans is a needed effort. More ARA members should be visiting VA hospitals...they need our help! If you know of a recently discharged service member...reach out to them.

Capt. Michael P. Smith USN/RET
ARA Executive Director

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keep that site somewhat Colorado-centric we have added a Global Domestic Violence site that would total nearly 1,700 printed pages by itself. Unlike most other web sites we also include tables of content, lists of tables and figures, a bibliography, and indexes. Wherever feasible hyperlinks are also included in the text.

Our sites include a broad range of articles from a multitude of authors: a law professor, a number of attorneys, police, university researchers, authors, rational feminists, columnists, as well as many personal stories of abused men and women. And to describe what kinds of violence women are perpetrating there are innumerable vignettes describing the actions of violent women throughout the United States.

To my knowledge no rigorous scientific study has ever found valid evidence that intimate partner violence was dominated by one sex. But at the time the radical feminist dogma that all women were “victims” and all men were “batterers” in order to maintain the patriarchy, or similar nonsense, held sway in the courts and legislatures. Unfortunately, due to the unswerving efforts of radical ideologues richly supported by federal and state funds, the science is still largely ignored in those chambers.

But the tide is slowly changing and it is to be hoped that the work of the Equal Justice Foundation plays some small role in swinging the balance of justice back to equality.
YOU MUST READ THIS BOOK

Discover how unpublicized Federal Policy brutally punishes loyal career
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