THE WASHINGTON RAMBLE

To walk the halls of the U.S. Capitol it is impressive to see much of our Nation’s history. The impressive dome of the Capitol building is under renovation. Repairs are long overdue. However, activity under the dome and committee deliberations are less than impressive. Both the House of Representatives and Senate are focused on the National Defense Authorization Act (NDAA). As of this writing, the House Armed Services Committee (HASC) has passed the NDAA for 2017 HR 4909. Once the Senate returns from Memorial Day recess this legislation (S-2943) should be approved. However, our National Security is at risk.

In my opinion, this NDAA is too thin and does not allow for much needed improvements and modernization for our military. Many ARA members know how military upgrades are required for our military components: spare parts, aircraft and ship repairs...keeping what we have operational! This does not consider a replacement for the aging B-52s and other much needed pieces of our defense arsenal.

The U.S. Defense posture and deterrence hasn’t changed...we still have a grave threat of terrorism on our own shores. Veterans are totally disgusted over the release of GITMO captives and the insane focus of closing this activity by the U.S. President. For what purpose? Last year we released five senior Taliban operatives in exchange for an Army deserter. We know what happened to the Taliban prisoners. They are back with their terrorist leadership to further combat the U.S. Is this U.S. Leadership? What about the Army deserter? The Army is still determining his punishment? Nonsense. How long does it take to resolve this issue? Again, no accountability and our allies are frustrated to see this lack of leadership by the U.S.

By Marsha Thole
Lt Col, USAFR (Ret)

Several calls over the past months have come from former spouses (not the servicemember) whose divorces were final years or even decades ago. They are asking questions that should have been addressed at the time the divorce was in progress, if not earlier. So what is causing them to ask questions now, long past the date of the original divorce?

Some possible reasons are:
1. People may have been told by

Continued on page 2
Our government’s two major political party candidates are having too much fun, running one another down, this presidential election year, to pay much attention to USFSPA casualty issues. In the UK, the Brexits set an example (for us to follow?) by finally turning their backs on the EU. I left England the day before they voted, knowing full well, they would end their long relationship with what had evolved into a political regime that was undermining their sovereignty.

Thanks to the National Military/Veterans Alliance (NMVA) et-al and ARA member lobbying, we may owe Congress a thank you, for finally imbedding Kniss v Kniss (does anyone even remember that USFSPA reform court case?) into the federal statutes, When the President finally autographs the 2017 National Defense Authorization act,, What does this mean for USFSPA casualties? Prospectively, those who decide it is in their best interests to untie the knot that binds, while they are still performing creditable service, will see the jointly earned marital property debt to their former spouse calculation based on their disposable base pay at the time of divorce. A combination of circumstances emerged collectively to bring this about, including the disproportionate number of married service personnel self-inflicted wound deaths (We compared global war on terror subject deaths, with comparable Vietnam War statistics).

The Pentagon learned, more than a decade ago, when they finally began to address this issue, how effortlessly USFSPA provisions trumped their efforts to repair damaged military marriages. To their credit, the Pentagon has responded to the Congressionally imposed circumstances imposed on personnel in its charge, by revising the Military Retirement system. The new defined contribution retirement system component can be easily divided as tangible existing divisible marital property, in military divorce action.

At your service,
Dennis Egge,
ARA National President

The Washington Ramble

Once again, our military members are the victims. These released GITMO prisoners were some of the worst killers in the Taliban regime and will kill again. Our government has needlessly put our active-duty soldiers in “Harms Way!” Further, the release was not authorized by Congress. This President defied Congress and broke the law!

I believe this administration made a decision to release these GITMO thugs to distract the American electorate from the havoc at the Veterans Administration (VA), McDonald’s non-leadership and disgusting comments are totally revolting. ARA, the American Legion and other veterans’ groups are hoping to be successful in firing McDonald. In search for the facts about veteran non-care at the VA, we have discovered at Phoenix and other VA hospitals that the management were “cooking-the-books” to reflect support to veterans for VA “bonuses” while veterans were dying from non-care! Your ARA and the National Military Veterans Alliance (NMVA) suggested issuing veteran health-care “vouchers” that can be used outside the VA at any health-care facility. This should have been approved years ago! However, comparing Veterans waiting in line to Disneyland is absolutely ridiculous...making light of a life-threatening issue.

Today’s “Washington perspec-
someone to check whether they can get more money out of the ex-spouse or, in the case of a deceased service member, from that person’s estate. So, rather than doing some simple research, or even contacting the attorney who was hired, they may call me. They are expecting good news—there is rarely, if ever, good news at this late date. They waited too long to act—but laws differ in each state, so you need to contact a lawyer.

2. They call because they are unclear about what their divorce decree says—again, the divorce was 20+ years or something ridiculously old like that.

3. They call because they heard their ex retired, but don’t know how to go about submitting the claim for the military retired pay that was awarded. Really?

4. They haven’t moved on with the lives and want more money.

None of these calls is necessary if the former spouse had done his/her homework when the divorce was in progress. They were paying an attorney—who perhaps didn’t know how to handle a military divorce—and these former spouses did not have the common sense (yes, common sense) to question the attorney. They are under the mistaken idea that DFAS makes exceptions. DFAS follows federal law. I know of only one case—a very unusual case—where the former spouse was able to get SBP, even though she was not named as a former-spouse beneficiary in the divorce papers.

In another egregious case, the former spouse has refused to believe what the federal law says. After she divorced the service member, he filed for disability. Then he died. She has been told by several agencies that she is not entitled to his VA disability (she tried to get it), or any compensation, as she was not married to him at the time of his death. The only way she could possibly receive compensation (not guaranteed) is if she had her divorce declared invalid.

The VA says that, depending on when the military member served, the spouse (not ex-spouse) “may be eligible for a non-service-connected pension and/or dependency and indemnity compensation (DIC).” She is now planning to sue the government to get his VA disability pay, and is trying to find a lawyer who will take her case pro bono (she has no income of her own; when the ex-husband died, so did her alimony); she chooses not to work. Her plan is to get her divorce wiped off the books so she can submit a document to DFAS to show she was married at the time.

She is pursuing this based not only on misinformation she received from another person, but from a letter she received from DFAS, explaining that in order to receive any possible compensation (e.g., DIC), she had to be married to him at the time of his death. The only way she could possibly receive compensation (not guaranteed) is if she had her divorce declared invalid.

NOTE: Neither ARA or 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.

PLEAS 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 araredlands@yahoo.com.

At your service, Dennis Egge, President, American Retirees Association
# 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

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Share your USFSPA reform concerns with those your dues support.

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**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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tive”...namely...total government disarray is truly beyond belief! You cannot make this stuff up. It’s tragic!
The IRS recently reported that Lois Lerner’s, the gal who took the 5th, cannot find her e-mails requested by
Congress! It’s stunning as to the sheer non-accountability of this administration. I say it is total stupidity
at all levels. Incompetence is putting this mildly. The IRS says these incriminating e-mails were deleted and
unrecoverable. This is not true given any deleted e-mails can be recovered from the administration’s “server.” A
child could probably retrieve these documents. More will come out of this scandal. Ask the NSA!

Americans do not trust their government or their President! No trust by the electorate is a fair assessment
of your government. There are few elected lawmakers who are demonstrating leadership. Just recently, the
House Intelligence Committee grilled State Department leadership on the Benghazi debacle. Bottom line...a lot of blame and rhetoric to
pass around, but no answers. Again, no explanations as to “why” help was not given to US Ambassador Chris
Stevens in Libya...“why” four Americans needlessly died. Former Secretary of State Hillary Clinton was at
the helm during this tragedy and Americans are still waiting for answers, along with the families of
those that perished.

Asking a number of Representatives regarding the “Former Spouse Protection Act (USFSPA)” repeal is
still on the table for discussion. However, given this election year, regardless of party, most still agree that
the USFSPA is not fair and should be repealed. Every member of ARA must educate your area Congressional Representative on the USFSPA. Feedback has been positive.

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!

The dedication of ARA members will be vital in the days ahead. Keep helping our veterans. Make your
voice heard in your community. Keep charging. We will win. Stay tuned!

Your voice on Capitol Hill,
Michael P. Smith,
Executive Director

ATTENTION
UNIFORMED SERVICE PERSONNEL AND SPOUSES
Trying to make your way through the USFSPA maze?
Need assistance in working with your attorney?
Consider the services of our degreed paralegal consultant, and
learn how to save money throughout your divorce process:
They work with you and your divorce attorney.

Marsha Thole, co-author of Divorce and the Military II, our military divorce action guide, has worked with our referrals and their attorneys since 1994.
Free initial consultation.

CONTACT US AT
at (703) 527-3065 or araredlands@yahoo.com
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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)
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**Thole Report**  
Continued from page 3

Death. Remember, she had been divorced for years. Her ex cannot speak for himself, since he is deceased.

(For further information on compensation and survivors, check out [http://www.va.gov/survivors/faqs.asp #](http://www.va.gov/survivors/faqs.asp #) She refuses to accept what DFAS has told her and, in this case, it is pretty black and white.

You are probably wondering whether she would be wasting her money. She will never, in my opinion, find a lawyer to take this on for no pay—really? I can hear a lawyer now: “You were divorced for years and you now want to say you were married to him when he died in order to get more money from the federal government? Is this a joke?” My response to that would be, “Her odds are better in a Las Vegas casino!”

Divorces can be appealed, depending on the laws of the state. But how that is done in a case where one party is dead and the divorce is years old, is unknown to this writer. If there are any readers out there who think she is smart to pursue this, please write in to ARA and give your reasons.

What can be learned here? No matter which spouse you are (husband or wife), you need to educate yourself about the federal law when it comes to military divorce. Both DFAS and VA websites are a wealth of information. When the divorce is over, it needs to be over, and you need to know and believe that. You need to say goodbye to your old life, and begin your new life.

Do not think that ten years down the road you can change your mind about the divorce, all because you didn’t like the terms or you want more money. Understand that if you plan to pursue a legal route to do that, and you can even find a lawyer to take the case, that it will cost thousands of dollars, all because you did not do your homework at the time of the divorce, and you aren’t doing it now.

Be in control of your divorce, work with a competent attorney, and research military divorce so you know what to expect. And when the ink is dry, MOVE ON. Life happens, and sometimes it is not always a pretty picture. But remember that the no-so-pretty picture is only temporary. Things do get better.

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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.
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

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