

# ARA/USA

## American Retirees Association

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

ARA Vol 38 Issue 3

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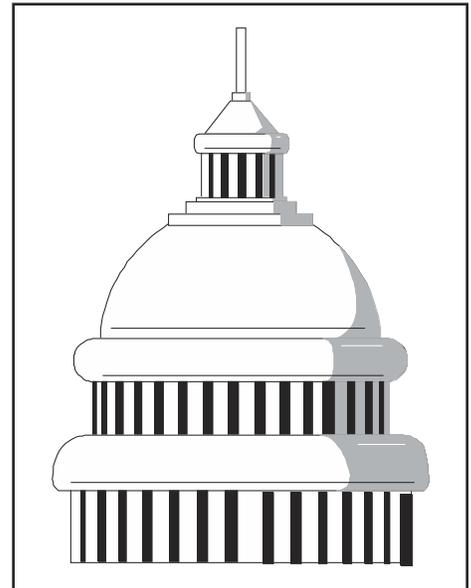
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### THE WASHINGTON RAMBLE

Congress still hasn't finished working on NDAA23, and 2022 is half gone. Why? It's members are having too much fun calling names and hurling (racial?) insults at one another, and scoring political points at anyone else's expense? The good news is so far we haven't found any new inequities added to the Uniformed Services Former Spouse Protection Act.

This is always to be expected in an election year. Plus, Congress really doesn't like being told, by the US Supreme Court, to simply accept the US Constitution as the ratified supreme law of our land.

We never give up, Dennis Egge; ARA President



### The Holland Report

There never was any federal legal authority for garnishment of VA Disability Compensation for alimony in divorce and there is none even now. In fact, the USSC ruled at least twice: Mansell v. Mansell 1989 and reaffirmed in Howell v. Howell 2017, completely preempting states from taking VA Disability Compensation in divorce.

Unfortunately, some states created their own legal authority to take VA Disability Compensation in divorce. They seized upon a state appellate court decision that held: in the case of disabled military retirees who were required to waive their military re-

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#### Find your member of Congress at:

**U.S. House of Representatives: Phone: 202-225-3121 Website: <http://www.house.gov/>**

**U.S. Senate: Phone: 202-224-3121 Website: <http://senate.gov/>**

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## VIEW FROM THE CHARTHOUSE



By Dennis Egge, President  
American Retirees Association

Can you believe? 2022 is already half gone. Americans everywhere are wondering, "Where is the federal government taking our economy, and why?" Are we experiencing the second coming of Carter? Time will tell; we own our government, not the other way around.

To our knowledge, NDAA23 has not added any new inequities to the uniformed services former spouses protection act. Our proposal to limit States garnishment authority in military divorce actions is pending a sponsor, before NMVA can bring it to Congress. Please advise if the two senators and one

House member who represent you support your interests, like our proposal. If you're not sure, call congress' telephone switchboard operator at (202)224-3121, and ask them.

Yes, military retiree appreciation season is here, again. Please advise, if you would like us to join you, with our full disclosure message, at your next event.

We never give up,  
Dennis Egge, ARA President

### The Holland Report

Continued from page 1

tired pay in order to receive VA Disability Compensation. They could consider their VA Disability Compensation to be "waived retired pay" and garnish it as though it were "waived retired pay" rather than VA Disability Compensation.

Under the broad heading of

"what a tangled web they weave, when at first they practice to deceive" and "the large print giveth and the fine print taketh away." The net effect of this nefarious government action was: first they took away our military retired pay before they permitted us to receive our earned VA Disability Compensation, and then they gave our VA Disability Compensation to our former spouses, leaving us with very little or, in some cases, no retired pay or disability compensation.

However, with the 2004 National Defense Authorization Act, congress passed the CRDP Act (Concurrent Receipt of Retired Pay and Disability Compensation) with no reduction in either pay. This was phased in over a ten-year period for disabled military retirees who were less than 50% disabled, but for those of us who were 100% disabled, we re-

ceived CRDP immediately in October 2004.

This completely eliminated any concept of "waived retired pay" for disabled military retirees who were 100% disabled, so there was no waived retired pay they could garnish. Of course, they could still legally garnish our military retired pay, for alimony, with no legal authority!!!!

The administration of VA Disability Compensation lies within the exclusive domain of the Secretary of Veterans Affairs: he or she has exclusive jurisdiction to determine its disposition. The legal authority to garnish VA Disability Compensation was terminated with the CRDP Act within the 2004 National Defense Authorization Act.

Sincerely,  
Donald Forrest Holland

#### American Retirees Association Serving Divorced Uniformed Service Personnel

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Nancy Plank.....Membership  
Bonnie Mitchell.....Publisher  
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## Resolutions for a happy marriage

### The Thole Report

Some people approach marriage these days with an attitude of buying a piece of equipment--if it doesn't live up to your expectations, you toss it out, without even trying to fix it or giving it a chance. You think it is easier to just get another one. You and your spouse took vows to live together in holy matrimony "until death do us part," along with in sickness and in health, for richer or poorer, and to love and cherish. Nothing in there about, "Well, I have finally had it with her [fill in the blank]. Time to bail."

In the 25 years I have been working with lawyers and clients, only once was the reason for divorcing valid--a case of domestic violence. The rest were cop-outs, people whose expectations for marriage were so off that the model

they were using was that of their parents. Or, the age-old excuse, "We just do not communicate anymore." They were clueless that marriage takes WORK!

We live in a throw-away society that extends to marriages. Does anyone try anymore? Do you remember your vows? Did you go through pre-marriage counseling (regardless of your age)? Did you at least discuss each other's expectations? Division of duties? Each's philosophy on spending money? What is your list of "shoulds"? Notice I haven't even introduced children into this.

If a woman found a lump in her breast, she would call her doctor to make an emergency appointment. A lump needs immediate attention. So why don't the two parties in a marriage treat problems, or per-

ceived problems, as if they were a medical emergency?

A couple can address problems to prevent them from becoming bigger by addressing them immediately, just as you would call your doctor. So, my suggestions for resolutions to nurture your marriage and to make it better are quite simple. COMMUNICATE!

Your marriage is a business partnership. Yes, really. Marriage is not the same as romance. Businesses stay in business because the owners and employees WORK at it 24/7. What do people have to do to stay in business and make it last?

A business has a mission and values. The boss makes sure they are front and center so all employees know why their job is important. A marriage has a mission, too--to

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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.

## 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
American World War Network .....	glayne731@gmail.com
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
Chief Warrant & Warrant Officers Assn of the U.S. Coast Guard ...	cwoauscg@cwoauscg.orb, 202-963-1793
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
Jewish War Veterans of the USA .....	jwv.org, jwv@jwv.org 202-265-6280
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 Defense Committee.....	RADMCarey@aol.com
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, tkish@ncoausa.org
Reserve Organization of America (ROA) .....	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 .....	trea.org, 1-800-338-9337, 303-752-0660
The Flag & General Officers Network.....	flagandgeneralofficersnetwork.org, 401-474-7079
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
Veterans of Modern Warfare.....	vmwusa.org
VetsFirst. ....	vetsfirst.org
Vietnam Veterans of America .....	vva.org, 1-800-882-1316

Share your USFSPA reform concerns with those your dues support.

## Thole Report

Continued from page 3

live in holy matrimony and love and cherish each other. The values occur in the context of the vows.

**RESOLUTION #1:** Once a year on your wedding anniversary, renew your vows. Celebrate all the loving successes you have created. Acknowledge each other's role in maintaining the marriage. Recommit to the marriage and to each other. Focus on the present but plan for the future.

Problems arise in business and are reported on at a meeting, in spreadsheets, in monthly, quarterly, and annual reports. Ignoring business problems can lead to business failure. Solutions often involve negotiating, too. But mature people take action together to address problems and determine solutions to protect the marriage. The only goal is maintaining the sacredness of the marriage. They do it with regular communication.

**RESOLUTION #2:** Commit to having a respectful discussion of what is going well, what is not going so well, and what needs to be improved. Set aside the same time and allow only one reschedule. Decide on whether weekly is necessary. This should not be a long review; limit the

amount of time to things that can be resolved in 30 or fewer minutes. If an issue requires more time, set aside a special time slot.

Finally, businesses need to keep good employees and advance them to keep the business going. And everyone needs to play nice in the sandbox. Perceptions are someone else's reality. In a marriage, each party needs to play fair and nice, too. If you have an issue or problem, put it on the discussion list. Don't jump to conclusions. Apologize if you are wrong.

**RESOLUTION #3:** Show your spouse that you value him/her, and you value the marriage. A 1977 song by First Choice has a line in it that goes: "We got love too good to throw away." And in your vows, the words are, "What God has joined together, let no man put asunder." Actions speak louder than words.

So, pick one or all three resolutions, and recommit to your marriage and to your spouse. The rewards are absolutely great. I like to think that my washer and dryer have been with me for 31 years because I have treated them well; I conduct preventive maintenance, clean them, don't overwork them, and talk nicely to them, always thanking them each time they produce a clean load of laundry

making my closet smell good, too.

Maybe we need to treat our marriage as well as we treat our equipment!

Happy New Year!

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

The Thole Report is reprinted from the January 2020 issue.

**NOTE:** Neither ARA nor 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.

### **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*

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**SINCERE CONDOLENCES**

To our newsletter publisher  
Bonnie Mitchell  
whose husband  
Lt. Col. David Mitchell (USAF Ret.)  
passed away in May 2022  
from cardiac arrest.

We pray for your serenity.

**How to contact those who represent your  
interests 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.

**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.

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