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MILITARY PENSION DIVISION ORDER QUESTIONNAIRE

We will need the following to prepare a Military Pension Division Order in your case:

I. Documents to be provided:

- A. **Active Duty** - Current Leave and Earnings Statement (LES) - generated twice a month to show pay, allowances, deductions, accrued leave, etc. (equivalent to a pay stub)
- B. **Guard/Reserve** - Retirement Points Accounting Statement (chronological statement of retirement points, such as ARPC Form 249 for Army Reserve or NGB Form 23 for National Guard) - issued at least once a year to each Guard/Reserve member
- C. **Retirees**
 - a. Retiree Account Statement (DFAS-CL Form 7220 for Army, Navy/Marine Corps, Air Force) – generated monthly to show retired pay, VA waiver, Survivor Benefit Plan premiums, etc.;
 - b. Certificate of Release or Discharge (DD Form 214) or other separation papers;
 - c. Retirement orders (issued at retirement);
 - d. Combat-Related Special Compensation (CRSC) statement (if applicable);
 - e. In VA disability cases, the findings and rating letter(s).
- D. **Survivor Benefit Plan (SBP) Election Form**
 - a. For a Reserve/Guard member, this would have been first completed at the 20-year mark (Form 2656, Data for Retired Personnel and Form 2656-5, RCSBP Election Certificate).
 - b. For an active duty servicemember, the election form would be completed as part of the retirement process (Form 2656, Data for Retired Personnel).
 - c. If the parties are already divorced, there may be a Form 2656-1 (SBP Election Statement for Former Spouse Coverage).
- E. **General documents** – If applicable: court order, separation agreement or any other underlying settlement document that provides for pension division, and the divorce decree

The LES, Retiree Account Statement (RAS) and CRSC Statement can be accessed by the military member or retiree at the secure DFAS website, <https://mypay.dfas.mil>. There are also secure portals for Coast Guard and the commissioned corps of the Public Health Service and NOAA.

II. Basic Information - complete the following:

- A. Date of marriage: _____ Date of separation: _____
- B. Date of divorce: _____
- C. Identifying information for *servicemember or retiree*: (refer to LES, RAS, or retirement order for most of this)
1. Full name: _____
 2. Date of birth: _____ Social Security #: _____
 3. Current mailing address: _____
 4. E-mail address: _____ Phone number: _____
 5. Rank/Pay grade: _____ at separation _____ currently (or at retirement)
 6. Branch of service: _____
 7. Date of entry into the service (Base Pay Entry Date): _____
 8. If Guard/Reserve case, date of application for retired pay (date one stops drilling)

 9. If already receiving retired pay, state amount and all deductions: _____

- D. Identifying information for *former spouse* (non-servicemember):
1. Full name: _____
 2. Date of birth: _____ Social Security #: _____
 3. Current mailing address: _____
 4. E-mail address: _____ Phone number: _____

III. Computational Information – Please complete the following, which serves as the basis for the pension division order:

FOR ACTIVE DUTY CASES:

- A. Background information: ONE of the following must be used -- check (✓) one option on the line provided. If the distribution to spouse is set out in an order or agreement, a copy of the order/agreement must be attached.
1. _____ Set dollar amount (e.g., “\$400 a month to Mrs. Brown”)¹

¹ NOTE: The set dollar amount does not contain a COLA, or cost-of-living adjustment.

2. ____ Percentage (e.g., “44% of Mr. Brown’s retired pay”)
3. ____ Formula clause (e.g., “half of the marital fraction of Mr. Brown’s retired pay, defined as 140 months of marital pension service divided by X months of total pension service, this number to be computed by DFAS when he retires.” If member is still serving, then *formula clause* is usually used.
4. ____ Hypothetical award (e.g., “39% of the retired pay of a Major with 24 years of creditable service and a retired pay base of \$5,200”). If member entered service after 9/7/1980, we must have the following information:
 - hypothetical retired pay base: \$_____
 - hypothetical years of creditable service: _____ years
 - hypothetical date of retirement: ___/___/20__

FOR RESERVE OR GUARD CASES:

- A. Background information: Check (✓) one of the following divisions.²
1. ____ Set dollar amount (See A.1. under Active Duty above)
 2. ____ Percentage: Give the percent that you want to use (not greater than half). Use this when the member is no longer performing Reserve/Guard service and has put in for retirement (or is already receiving retired pay).
 3. ____ Points: May be used in Guard/Reserve cases. Give the total points acquired during the marriage before date of separation, divorce, or other applicable date under state law. DFAS will calculate the total points. Spouse usually gets half of this marital share (unless you specify otherwise). If member is in Guard/Reserve, use of retirement points is required in a formula clause with X as the denominator. For Reserve or National Guard spouses, you should get and review a copy of the servicemember’s points statement. Number of marital³ points: _____. (**COMPLETE points statement must be attached if this option is chosen**)
 4. ____ Time: You may **not** use this if member is still serving and you are using a “formula clause.” DFAS regulations require use of a points calculation for Reserve/Guard cases when a formula clause is used. If parties agree on all numbers (months of marital pension service, total pension service) or if member is retired, then “months over months” can be converted

² Which division will it be, by Reserve points or years? There is a big difference between the two dividing methods. Examine the following example:

a: Major Bill Smith has 5 years of active duty and 15 years of service in the Army Reserve. He married when he left active duty.

b: To calculate the marital fraction using points, we start by counting the points he acquired during active duty by multiplying 5 times 364 to get 1820 points. Then we count his Reserve points: during his time in the Reserve, he acquired 60 points a year (for weekend drill, “summer camp” and membership) for 15 years, or 900 points. Thus his total points at 20 years are 2720 (1820 + 900), of which 900 (or about 33%) are marital. This should mean that 33% of his retirement pay (assuming retirement and date of separation both occur at year 20) is marital.

c: If we apply the marital fraction using years to his retirement pay, however, then his pension is 15 (marital years)/20 (total years) or 75% marital.

³ “Marital” means between marriage and the date of separation, date of divorce, or other date specified by state law.

into a fraction, then that can be multiplied times 50% to arrive at a PERCENTAGE.
Percentage for spouse/former spouse: _____%

IF RETIRED WHEN HUSBAND AND WIFE SEPARATE, ATTACH THE MOST RECENT RETIREE ACCOUNT STATEMENT (for Army, Navy/Marine Corps and Air Force, this is DFAS-CL FORM 7220).

IV. **Survivor Benefit Plan election**⁴: If a survivor annuity is to be provided to the former spouse, please fill out the following information:

- A. Type of coverage:
1. _____ Former spouse only coverage _____ Former spouse and child(ren) coverage
 2. _____ Child(ren) only coverage _____ Other coverage - specify type/beneficiary
- B. Base amount (the SBP benefit paid to the beneficiary is 55% of the base amount):
1. _____ Full retired pay
 2. _____ Lesser amount (can be any amount \$300 per month or greater)⁵

Remember that, without SBP coverage, the pension stops when the retiree dies.

IF RESERVE OR GUARD: Reserve Component SBP (Survivor Benefit Plan) applies if one is in the Reserves or National Guard. Check (✓) one of the following:

1. _____ SM (Servicemember) has already retired, is receiving retired pay, and election chosen by SM was: (see next 2 items for available options)
_____.
2. _____ SM has attained 20 years of creditable service, and has decided to wait until pay status (usually age 60) to decide on SBP (called OPTION A on current form).
3. _____ SM has attained 20 years of creditable service, has chosen to have coverage start at 60th birthday (i.e., if SM dies before then, payments begin at what would have been age 60 for the SM). (OPTION B).
4. _____ SM has attained 20 years of creditable service, has chosen to have coverage and payments start at death, even if before age 60 (OPTION C).
5. _____ SM has not attained 20 years of service yet, client would like decision to be (fill in blank): _____
6. SM and spouse have decided to use life insurance instead of SBP, terms are as follows:

_____.

IF SM HAS ATTAINED 20 YEARS OF GUARD/RESERVE SERVICE, ATTACH COPY OF THE SBP ELECTION FORM, DD Form 2656-5.

⁴ SBP entitlement is suspended if former spouse remarries before age 55. SBP entitlement will be reinstated if the former spouse's marriage is terminated by death, divorce, or annulment.

⁵ Base amount is selected at retirement for active-duty personnel; lower amount requires spouse's written consent. Once chosen, it generally cannot be changed.

- V. **Pension Offsets:** Does the retiree also receive (or is eligible to receive) any of the following:
- A. Military disability retired pay?
 - B. Department of Veterans Affairs disability compensation?
 - C. Combat-Related Special Compensation?

If YES regarding either, please provide details (including disability rating, monthly amount of pay/compensation) here:

VI. **Thrift Savings Plan**⁶: If member/retiree participates

A. If the member participates, provide us with the most recent quarterly account statement.

B. If the TSP is to be divided:

1. State how -- fixed dollar amount, percentage, or formula? _____

2. Specify effective date of division (e.g., date of separation, date of divorce) _____

3. Are passive interest and earnings to be included after this date? YES NO
4. Will the non-employee spouse's share of the TSP be paid directly to the former spouse or rolled over into an eligible plan or IRA? ___Direct to spouse ___Roll-over (check one)
If rolled over, give the financial institution's name and address, as well as the account number of the plan or IRA. Also, provide a contact name and phone number:

REMEMBER:

To obtain garnishment of military retired pay as property division, the recipient spouse must:

- Have ten years of marriage concurrent with ten years of service.
- Submit a certified copy of the order within 90 days of filing to the retired pay center along with a certified copy of the divorce judgment.
- Submit a completed Application for Former Spouse Payments from Retired Pay (DD Form 2293).
- Serve the application and order certified or registered mail, return receipt requested on the designated agent listed below:

A. Army, Navy, Air Force and Marine Corps:

Defense Finance and Accounting Service – Cleveland (ATTN: DFAS-GAG/CL)

⁶ The TSP is a contributory retirement plan, similar to a 401K plan.

P.O. Box 998002
Cleveland, OH 44199-8002
216-522-5301
Fax: 216-522-6960

B. Coast Guard, Commissioned Corps of Public Health Service, NOAA:

Commanding Officer (RAS)
U. S. Coast Guard Pay & Personnel Center
444 SE Quincy St
Topeka, KS 66683-3591
Toll Free: 1-800-772-8724
Commercial: 785-339-3415
Fax: 785-339-3770

To obtain SBP benefits, the former spouse **must** submit a completed form DD 2656-10 (deemed election request), a certified copy of court order awarding SBP, and a certified copy of the divorce decree within one year of the date of the court order requiring the other party to elect coverage, to the retired pay center (addresses are shown on DD 2656-10).

(2/1/16)