



# American Retirees Association

Support the organization committed to defending the rights of service members and military retirees in divorce.

ARA Vol 28 Issue 2

April 2012

Published Quarterly

## THE WASHINGTON RAMBLE

By ARA Executive Director  
Michael P Smith

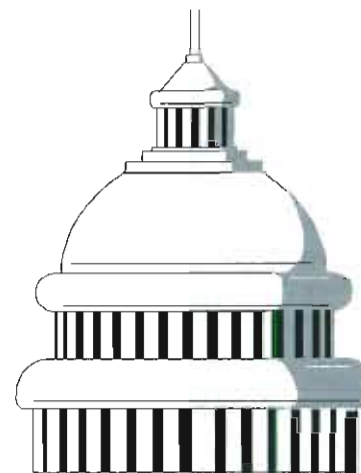
In union with the "National Military Veterans Alliance" (NMVA) we continue to raise the visibility of the USFSPA issue to our federal elected representatives. NMVA has a firm presence and recognition in Congress. ED will continue to attend as many NMVA meetings as possible representing ARA interests coupled with "Hill" visits and Congressional testimony.

NMVA believes USFSPA should be dealt with as State issue; MD's US Senator is not supportive. When asked about this, State Legislators say "USFSPA is a Federal issue." ARA can make headway at the State level with bills introduced to repeal USFSPA. NMVA focused on the Federal side of military issues vice State. HB 1110, 1111 and 1218 are pending in the Hawaii State

### Legislature

A new NMVA co-chair was selected. Ms Jody Nyalko of Gold Star Mothers is the new Co-Chair for a two-year term. CAPT Puzon left the Alliance to head a State Department section.

AAFES & NEXCOM may become extinct; executive positions have been civilianized (for eventual DECA operation outsourcing to a contractor??)



## THE CORRY REPORT

By Charles E. Corry, Ph.D., F.G.S.A  
Founder: Equal Justice  
Foundation

### You can't fix stupid!

Few citizens and even fewer elected officials and bureaucrats are able to distinguish between possibility and probability. As a result extremely unlikely events are often used to impose destructive laws and

regulations on the general population..

The constant refrain of why these insane laws and crushing regulations are required is to preserve public safety, particularly that of our children, despite voluminous research showing children are safest with their birth parents.

But as Ayn Rand pointed out in 1957: "There's no way to rule innocent men. The only power government has is the power to crack down on criminals. Well, when there aren't enough criminals, one makes them. One declares so many things to be a crime that it becomes impossible for men to live without breaking laws."

Only rarely is there any attempt to measure whether the law or regulation solved the problem. Quite often there is convincing evidence that the unintended consequences made the human condition worse. If there is any measure of effectiveness it is commonly used as a basis for new laws and regulations, and always as a basis for more money and enforcement.

As my friend Erin Pizzey famously

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## DFAS REPORT

DFAS paid military retirement benefits to the accounts of deceased former military spouses less than 1 percent of the time. DFAS suspended payments upon receiving unconfirmed death notices and appropriately terminated former spouses' accounts after receiving confirmed death notices. For accounts receiving payments after a former spouse's death, DFAS refunded the amount due the retiree in less than 1 year, 90 percent of the time.

**Guidance for Terminating Payment to Former Spouses United States Code.** Title 10 U.S.C. 1408, March 18, 2004, "Payment of Retired or Retainer Pay in Compliance with Court Orders," states that payment from the retired pay will terminate in accordance with the terms of the court order. However, it should not be later than the date of death of the member or the date of death of the former spouse receiving the payments.

**Office of Management and Budget.** Office of Management and Budget 92-04, "Guidance for Termination of Federal Benefits to Deceased Beneficiaries," January

15, 1992, states that Federal Agencies that pay benefits should access the SSA database listing deceased individuals and match the data against their own payment files to identify deceased beneficiaries monthly.

**Payment of retirement benefits.** DFAS appropriately disbursed military retirement benefits to 99 percent of the former military spouses on record in pay active status as of September 30, 2004. It paid approximately \$625 million in benefits to former spouses during that fiscal year. Although 99 former military spouses (.1 percent), from a total universe of 77,863 accounts, were identified as deceased on the SSA Death Master File, only 14 were still being paid as of the date of our audit. When we brought the 14 reported deaths to DFAS managers' attention, they suspended the accounts and stopped monthly payments. The overpayments on these accounts during the period of 1999 through 2005 totaled approximately \$242,000. Prior to our audit, DFAS had properly either suspended or terminated the remaining 85 accounts. DFAS mailed COE letters to the 14 former military spouses whose eligibility was in question. One former military spouse

was alive although the SSA Death Master File identified her as deceased. For the remaining 13 accounts, in two instances, the retirees sent DFAS copies of their former spouses' death certificates; and for one account, DFAS Retired Pay obtained a copy of the former spouse's death certificate and provided it to Garnishment Operations. DFAS did not obtain any response for six accounts; therefore, they terminated the accounts. DFAS has appropriately terminated the remaining four accounts because the former spouses had died.

**Timeliness of refunds to retirees.** For the 99 accounts we identified as belonging to deceased former military spouses, DFAS had refunded money to the retirees in less than 1 year for 90 percent of the accounts. However, for 10 accounts DFAS did not refund retirees' accounts for more than a year. For example, a retiree's former spouse died in October 1997. DFAS learned of the spouse's death in April 2000 and appropriately suspended the account. DFAS terminated the former spouse's account in November 2005 upon receiving a copy of the death certificate, and proceeded to credit the retiree's account for the money owed.

## The Corry Report

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pointed out: "Any country that has tried to create a political solution to human problems has ended up with concentration camps and gulags."

Sallie Clark is the elected official directly responsible for oversight of the Department of Human Services or DHS in El Paso County, Colorado. She has now held that position for eight years and despite a two-term limit in place when she took office she is now attempting to get reelected for a third term. Thus, a review of her performance in office is well justified.

My best estimate is that during Sallie Clark's eight years in office DHS has spent over \$500 million dollars of federal, state, and county funds. Under Commissioner Clark's direction DHS has set up a special group tasked with taking children from military families. You might ask how they do that? First, they establish a Memorandum of Agreement with the Army in which "child abuse" is defined as virtually anything that might happen to a kid. Then the soldier is charged with a "crime." In two cases I've observed, a rash was sufficient to claim the child was abused, the soldier

confined to barracks, and restrained from seeing his little one. If the mother so much as suggests she won't testify against the soldier DHS/CPS threatens to take the kids and put them in foster care, and it is not an idle threat. If the mother then takes the stand and testifies in favor of the father DHS/CPS tells the court she is not providing adequate protection for the children and he is kept under restraint and away from his children.

Since DHS caseworkers are known to write out the restraining orders themselves without troubling the court, and the Army follows the civilian lead in these cases, the soldier has few options unless he can afford a competent attorney (scarce as hen's teeth) willing to fight DHS. All this ruins the soldier's military career and he is often chaptered out of the military and loses all benefits.

The Denver Post has been running a series of articles describing problems with DHS and reforms proposed by the Colorado Department of Human Services for many months. Predictably, Commissioner Clark has fought bitterly against any reforms or intrusions into her domain. Because DHS bases its approach to child abuse on fear and making parents afraid

of losing their children, only about 10% of parents who may actually need help are in contact with DHS. The EJF has previously noted that from 1995 to 2002 twelve children died in El Paso County. But after eight years of Sallie Clark, and the expenditure of at least \$500 million by the county DHS, eleven children died in just the year 2011 in this county, often while at the tender mercy of DHS.

In response to this disgrace, Commissioner Clark formed a CYA commission to investigate the problems that she is responsible for. Since this commission is largely composed of the bureaucrats responsible for the problems, their proposed solution is entirely predictable: more money and more bureaucrats with more children taken from their parents. It is also quite predictable that if Sallie Clark is reelected that more children will die needlessly as essential reforms will not be undertaken.

Sallie Clark and El Paso County, Colorado, are not the only places with a local despot destroying families and children. This is an election year and it is your local and state races that will have the greatest impact on your future.