DISCOVERY FROM DFAS AND SERVICE MEMBER

Military Divorce and Retirement Seminar
October 12-14, 2017
San Antonio, Texas

James G. Cramp, Colonel, USAF (Ret.) Tel: (210) 832-8064 jim@cramplawfirm.com www.cramplawfirm.com

About the Author

James ("Jim") Cramp is the founder and principal at the Cramp Law Firm, PLLC, which provides a spectrum of family-related legal services in the San Antonio region. Jim is a strong and committed advocate for all families. His military background has made him particularly passionate about serving military and Federal civil service families in all stages of life.

Jim retired from military service in the grade of colonel after having served 29 ½ years on active duty. His military career included flying, operations, support, recruiting, training and headquarters assignments. Jim is a three-time commander at the detachment, squadron and group levels.

Civilian and Military Education

- Juris Doctor (JD) (Magna Cum Laude),
 St. Mary's University School of Law, San Antonio, Texas
- Executive Excellence Seminar,
 H. John Heinz III School of Public Policy and Management, Carnegie Mellon University,
 Pittsburgh, PA
- Master of Strategic Studies (MSS),
 Air War College (in residence), Montgomery, Alabama
- Master of Business Administration (MBA),
 California State University (Stanislaus), Turlock, California
- Master of Aeronautical Science (MAS), Embry Riddle Aeronautical University, Daytona Beach, Florida
- Joint Forces Staff College (in residence), Norfolk, Virginia
- Marine Corps Command & Staff College (in residence), Quantico, Virginia
- Bachelor of Arts (BA), East Stroudsburg State University, East Stroudsburg, Pennsylvania

Organizations and Memberships

- American Bar Association
- State Bar of Texas
- San Antonio Bar Association
- Military Officers Association of America
- Harlan Society (law honors)

Overview

The purpose of this paper is to prepare the military divorce practitioner to obtain the information he or she will need to correctly calculate the division of military retired pay in divorce through the use of various discovery tools. This paper is intended to be introductory in nature and not an exhaustive discussion of the subject matter. This paper presumes that the Service Member already is an active participant in the litigation either as the Petitioner or Respondent who has answered or otherwise filed a responsive pleading. This paper also presumes that the Service Member entered military service on or after September 8, 1980.

The scenarios under which discovery must be conducted are as follows: (1) active duty Service Member already retired at time of divorce; (2) active duty Servicemember still serving at time of divorce; (3) Reserve Component Service Member already retired at time of divorce; and, (4) Reserve Component Service Member still serving at time of divorce. A brief discussion of each scenario follows.

Active Duty Service Member Already Retired at Time of Divorce

This is the easiest scenario for the military divorce practitioner since calculation of hypothetical factors, such the hypothetical retired pay multiplier and hypothetical high-36 months' base pay, is not required. *See*, *e.g.*, Department of Defense Financial Management Regulation 7000.14-R, Volume 7B (hereafter, for brevity, the "DODFMR 7B"), Chapter 29, *Former Spouse Payments From Retired Pay*, Paragraph 290801-02 (stating requirements when Servicemember is not retired at time of divorce; DODFMR 7B, Figure 29-1 and 29-2, Pages 29-28

through 29-31 (acceptable formula for retired member); *Limbaugh v. Limbaugh*, 71 S.W.3d 1, 16 (citing *Taggart v. Taggart*, 552 S.W.2d 422 (Tex. 1977) to explain the division of military retired pay for a Service Member retired at time of divorce);

The minimum items that should be obtained in discovery include the following: (1) DD214, Certificate of Release or Discharge from Active Duty; (2) date of marriage; (3) current Retiree Account Statement (RAS), and (4) VA Benefits Summary Letter.

Item 1—DD214. The DD214 should be obtained through a Request for Production to the Servicemember. The DD214 provides the start and end dates of Servicemember's creditable military service. Note that a Service Member who had a break in service normally has two (or more) DD214s. Ensure that all DD214s that may exist are requested. An explanation of how to read the DD214 is beyond the scope of this paper, but abundant resources exist. By the experience, author's nearly Servicemember's have their DD214(s) in their possession. In today's electronic age, retired Servicemembers can obtain a copy of their DD214 by accessing their master personnel file through the VA's eBenefits website. See Exhibit "A."

If the Service Member cannot produce a DD214, a copy can be obtained by serving the National Personnel Records Center with a subpoena signed by a court of competent jurisdiction (and not an attorney). The Center's webpage for "Court Order Requirements" states:

"Access to the specific military personnel and/or medical records on file at the National Personnel Records Center, St. Louis, Missouri, or Valmeyer, Illinois,

may be gained pursuant "to the order of a court of competent jurisdiction." Valid court orders should be addressed to this center. Subpoenas qualify as orders of a court of competent jurisdiction only if they have been signed by a judge. To be valid, court orders must also be signed by a judge. Authority for these requirements is 5 U.S.C. 552a(b) (11), as interpreted by Doe vs. DiGenova, 779 F. 2d 74 (D.C. Cir. 1985), and Stiles vs. Atlanta Gas and Light Company, 453 F. Supp. 798 (N.D. Ga.1978)."

"Please furnish the address of the clerk of the court so that photocopies may be furnished in the form of a certificate under seal to the clerk of the court issuing the order. Or, the photocopies may be sent to a recipient other than the clerk of the court as long as the order of the court names another recipient and gives the appropriate address. Under applicable Federal law, photocopies so certified shall be admitted into evidence as original records 44 U.S.C. Sec. 2116(b). It is also helpful to furnish the names and addresses of the attorneys involved."

"The court order must describe the records and information desired in sufficient detail to identify them with accuracy. A minimum of detail would include as many of the following as possible: complete name, service number, social security number, date of birth, branch of service, and dates of military service (active, reserve, or retired). If clinical treatment (inpatient) records are needed, include also the dates, places, and type(s) of treatment given."

"The court order should be addressed and mailed to:

Director National Personnel Records Center, (NARA) (Military Personnel Records) 1 Archives Drive St. Louis, MO 63138-1002"

National Archives, *Court Order Requirements*, https://www.archives.gov/st-louis/military-personnel/court-order.html (last visited August 12, 2017).

Item 2—Date of Marriage. The date of the marriage, which generally is not in contention, can be obtained from a party's pleading(s) as a judicial admission of that fact. The date of marriage is then compared to dates of creditable service on the DD214 to compute how much of the marriage overlapped the creditable military service (i.e. "the marital interest).

<u>Item 3—Retiree Account Statement.</u> Retiree Account Statement (RAS) should be obtained through a Request for Production to the Servicemember. Servicemembers can obtain RASs from their DFAS myPay account. See Retiree Account Statement at https://www.dfas.mil/retiredmilitary/manage /ras.html (last accessed on August 19, 2017). How to read the RAS in full detail is beyond the scope of this paper, but the RAS will provide three important details: (1) the Servicemember's current disposable retired pay; (2) whether a Survivor Benefit Plan (SBP) election exists and what type (e.g. Spouse, Child, or Spouse and Child); and whether VA disability compensation is being received and, if so, whether the "VA Offset" will reduce disposable retired pay. National Defense Authorization Act 2017, Public Law 114-324, enacted December 23, 2016 (as it modified the definition of "disposable retired pay" in 10 U.S.C. § 1408(a)(4)10; 38 U.S.C. § 5305 (defining the waiver of retired pay to received VA disability compensation, commonly known as the "VA Offset"); 10 U.S.C. 1414(a) (defining Concurrent Retirement Disability Pay that will restore the VA offset for Servicemember's 50 percent or more disabled; DODFMR 7B, Chapter 64, Concurrent Retirement and Disability Pay (CRDP), Paragraph 640502 (stating that CRDP, as a restoration of retired pay, is subject to division in compliance with court orders); Understanding Your RAS, Page 1 at https://www.dfas.mil/retiredmilitary/manage /ras/understandpage1.html (last accessed August 29, 2017).

If no SBP election exists, none can be ordered at divorce. *See* DODFMR, Chapter 44, paragraph 430504 C.3. (stating that "no election may be deemed to have been made which could never have been made by the member concerned").

If the Servicemember cannot produce a Retiree Account Statement, it can be obtained by serving a subpoena on DFAS that is signed by a judge of a court of competent jurisdiction. Email from DFAS FOIA TEAM, to author (August 21, 2017, 06:04 A.M. CDT) (on file with author). Ensure the subpoena contains Servicemember's name and social security number, along with a description of the item(s) requested. In this author's opinion, it is helpful to include within the subpoena a statement of purpose as to why the documents are needs (i.e. how the documents will be used) which aids DFAS in understanding the reason for the request. Below is a communication this author received from DFAS regarding service of subpoena, as follows:

Please be advised that the Privacy Act of 1974, 5 U.S.C. § 552a(b), states that no agency shall disclose any record which is contained in a system of records to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of the individual to whom the record pertains, unless disclosure of the record would be pursuant to one of the Act's exceptions.

Request for records cannot be honored unless we receive the individual's written consent or a court order signed by a judge of a Federal or state court of competent jurisdiction.

Upon compliance with the above you can submit your request to the following address:

DFAS- Cleveland DFAS-ZCF/CL 1240 East Ninth, Street Room 1417 Cleveland, OH 44199

Email from DFAS FOIA TEAM, to author (August 21, 2017, 06:04 A.M. CDT) (on file with author).

Item 4—VA Benefits Summary Letter

The VA Benefits Summary Letter should be obtained by a Request for Production to the Servicemember. The Servicemember can self-generate the letter through his VA eBenefits account. See Exhibit "B." The full amount of VA disability compensation received by a Servicemember sometimes exceeds the amount of the VA Offset applied to the Servicemember's military See 38 U.S.C. § 5304 retired pay. (prohibiting the duplication of VA disability compensation and military retired pay, but only to the extent of retired pay, except as provided by receipt of Concurrent Retired and Disability Pay); Exhibits "C" and "D" (from author's case files). Knowledge of the full amount of VA disability compensation may prove useful in other areas of the divorce, such as child support computations. See, e.g., Tex. Fam. Code § 154.062 (defining "net resources" for use in child support computations that includes VA disability compensation).

Service Member Still Serving At Time of Divorce

For this scenario, DFAS requires all orders submitted after December 23, 2016, to National Defense comply with the Authorization Act of 2017's requirement that the order only divide the amount of disposable retired pay payable to the member for the member's pay grade and years of service at time of the court order. National Defense Authorization Act 2017, Public Law 114-324, enacted December 23, 2016 (as it modified the definition of "disposable retired pay" in 10 U.S.C. § 1408(a)(4); DODFMR 7b, Chapter 29, Paragraph 2908, Disposable Retired Pay Under [National Defense Authorization Act or NDAA] NDAA FY 2017, Section 641.

Here, the military divorce practitioner must obtain the following:

- 1. The Service Member's years and months of creditable service at time of division (i.e. "time of division" means the date of an Informal Settlement Agreement, Mediated Settlement Agreement or Final Decree of Divorce);
- 2. The marital interest in the Servicemember's creditable service at time of division (i.e. how many years and months of the marriage overlapped the creditable service);
- 3. The Servicemember's high-36 months' base pay at time of division.

<u>Item 1—Creditable Service At Time of Division</u>. Many practitioners' reflex is to request production of the Service Member's Leave and Earnings Statement and use what the Army refers to as the "Pay Entry Basic

Date"; what the Navy and Marine Corps refer to as the "Pay Entry Base Date"; or, what the Air Force refers to as the "Pay Date" to compute the years and months of creditable service toward retirement (hereafter, and for brevity, "pay date"). See DODFMR 7000.14-R, Volume 7A, Chapter 1, Basic Pay," Paragraph 010201.A.1. Unless the Service Member started military service on the same day that he or she entered active duty (EAD), this approach will prove The "pay date" is used erroneous. See id. only to compute longevity pay increases. See id. Computing longevity pay increases is an important component of computing the Service Member's high-36 months' basic pay, so do not throw the baby out with the bathwater quite yet. The Service Member's creditable years of service on the date of division helps form a hypothetical retirement date and determines the hypothetical retired pay multiplier. See, e.g., 10 U.S.C. § 1405 (describing years of service for retirement computation); 10 U.S.C. § 1408 (as amended by the NDAA 2017, which limits court orders to using the creditable years of service at time of the court order); DODFMR 7B, Chapter 29, Former Spouse Payments from Retired Pay, Paragraph 290608 C. (defining the hypothetical retired pay multiplier for both active duty and reservists).

The Air Force uses Total Active Federal Military Service Date (TAFMSD) to compute the total years and months of creditable service toward retirement. See AFI36-2604, Service Dates and Dates of Rank, Table 1.1, Rule 1. The TAFMSD is reflected on AF Form 1613 and filed in the Service Member's Master Personnel Records Group or MPRGp. See, e.g., id. at paragraph 1.3.4.2. For an Air Force divorce, the practitioner should make a Request for Production for the Service Member to produce a printout from his personnel unit that reflects his TAFMSD.

For an Army divorce, the practitioner should submit a Request for Production for either the Service Member's Officer Record Brief (ORB) or Enlisted Record Brief (ERB), both of which contain the Service Member's Basic Active Service Date (BASD), which is the Army's term for the date from which total years and months of creditable service toward retirement is computed. See, e.g., Department of the Army Pamphlet 640-1, Officer's Guide to the Officer Record Brief, Paragraph 12, Section III—Service Date (explaining Basic Active Service Date or BASD). An Army Service Member receives a copy of his or her ORB or ERB three times a year—birth month; birth month plus four months; birth month plus eight months). Id. at paragraph 6.a. Otherwise, the Service Member may obtain a copy by sending a written request that includes the Servicemember's name. Social grade. branch/functional Security number, area/MOS, mailing address and signature directly to:

HQDA (ASNI-SMC) Alexandria, Virginia 22332-0400

Id. at paragraph 6.b.

For a Navy enlisted member, the practitioner should submit a Request for Production for the Servicemember's Active Duty Service Date (ADSD). See, e.g., MILPERMAN 1000-30, Active Duty Service Date (ADSD) (defining active duty service date). For Navy officers, submit a Request for Production for a "Statement of Service" which calculates all creditable service toward retirement. Navy Personnel Command, http://www.public.navy.mil/bupers-npc/career/Retirement/OfficerRetirements/Pages/default.aspx (last visited 8/12/17).

For a Marine Corps divorce, the practitioner should submit a Request for Production of the

Service Member's current Leave and Earnings Statement, which in the lower left margin contains the Armed Forces Active Duty Basic Date (AFADB), which is the Marine Corps term for the date from which total creditable service toward retirement is computed. *See*, *e.g.*, Marine Corps Order 1130.80A (describing how the Armed Force Active Duty Base Date will be reconstructed to account for gaps in service upon return to active duty).

In summary, if the Service Member remained on continuous active duty since initial entry, then the pay date and date for computing total creditable military service toward retirement will be the same. Any time the two dates differ, meaning the pay date is earlier than the date for computing total creditable military service toward retirement, the Service Member has a built-in incentive to help the practitioner obtain the information needed to ensure the calculations of creditable service toward retirement are correct. Understand and use that leverage to get it right.

<u>Items 2—Marital Interest.</u> Once the period of creditable service is obtained, the date of the marriage, as discussed earlier, generally is obtained through the pleadings and used to calculate the marital interest in the Servicemember's years and months of creditable military service.

<u>Item 3—Servicemember's High-36 Months'</u> Pay. Computation Servicemember's high-36 months' base pay, at a minimum, requires a Request for Production of the Servicemember's current Leave and Earnings Statement (LES), which will contain the "pay date" used to compute longevity "break points" and Servicemember's current rank. The date of rank for the Servicemember's current rank also is important in the high-36 calculation since it cannot be assumed that the

Servicemember's current rank extends over the entirety of the high-36 months. If not contained within the document by which you obtained the "pay date," the rank(s) and date(s) of rank for the high-36 computation can be obtained through an Interrogatory to the Servicemember.

If opposing counsel is informed and cooperative, the high-36 can be calculated using rank(s) and longevity "break points" from the current and historical military pay charts available on DFAS' website at https://www.dfas.mil/militarymembers/paye https://www.dfas.militarymembers/paye https://www.dfas.militarymembers/paye https://www.dfas.militarymembers/paye https://www.dfas.militarymembers/paye https://www.dfas.militarymembers/paye https://www.dfas.militarymembers/paye <a href="https://www.dfas.mi

Reserve Component Service Member Already Retired at Time of Divorce

DFAS requires court orders dividing a reserve component Servicemember's retirement to be expressed in retirement points earned during the marriage. *See* DODFMR 7B, Chapter 29, Paragraph 290607; DODFMR 7B, Chapter 29, Figure 29-1 through 29-2 (stating acceptable formula awards both prior to and after enactment of the NDAA FY 2017)

In this scenario, the military divorce practitioner must, at a minimum, obtain the following: (1) Retirement Points Accounting System (RPAS) Statement for "Retirement Points" earned; (2) the marital interest in the "Retirement" points; (3) current Retiree Account Statement if the Servicemember is receiving retired pay at time of divorce; or, (4) High-36 months base pay at time of divorce for a "gray area" retiree Component (i.e. retired Reserve servicemember who is retired by not yet receiving retired pay.

Item 1—Points Statement. This should be obtained from the Servicemember through a Request for Production. If not available from the Servicemember, a subpoena for Reserve/Guard Points and Credit Documents should be served on the National Personnel Records Center as described earlier in this paper. See National Personnel Records Center—Official Military Personnel File Contents, at https://www.archives.gov/st-louis/military-

personnel/vso/official_military_personnel_fi le_contents.html (last visited August 19, 2017).

<u>Item 2—Marital Interest in Total "Retirement</u> Points" Points Earned. Close attention is required because Reserve Component (i.e. Reserve and National Guard personnel) do not earn points at a constant rate. The marital interest is the total number of "Points Earned for Retired Pay" earned during the period that marriage overlapped the the Servicemember's years and months of creditable service. See 10 U.S.C. § 12732-33; DODFMR 7B, Chapter 29, Paragraph 290607 C. (stating that the numerator for the marital fraction typically is the number of retirement point earned during the marriage).

Item 3—Current Retiree Account Statement (RAS). Α Reserve Component Servicemember can be retired but not yet receiving military retired pay. See 10 U.S.C. 12731(a). In general, these Servicemember's begin receiving retired pay at age 60, unless the "starting age" is reduced for service during certain periods of time designated by statute. See 10 U.S.C. § 12731(f)(2). The maximum reduction is to 50 years of age. *Id*. If the Servicemember is receiving retired pay, obtain the RAS through for Production Request to Servicemember or subpoena to DFAS

remains as described earlier in this paper. If a RAS is obtained, as before, it will provide information on the type of Survivor Benefit Plan election, if any. *See* Understanding Your RAS, Page 1 at https://www.dfas.mil/retiredmilitary/manage/ras/understandpage1.html (last accessed August 29, 2017).

<u>Item 4—High-36 Months Base Pay for Gray</u> Area Retiree

Gray area retirees continue to accrue longevity increases for the rank at which they retired from retirement through commencement of retired pay. See 10 U.S.C. § 1407(d), Computation of High-Three [Years] Average for Members and Former Members Entitled to Retired Pay for Nonregular Service (stating Servicemember retiring under 10 U.S.C. § 12731 (i.e. Reserve Component retirements) are entitled a the High-36 months base pay for the rank at which they retired as if they had served on continuous active duty until receipt of retired pay); DODFMR 7B, Chapter 3, Gross Pay Computation, Paragraph 030205 A.2. (describing the High-36 computation for a non-regular or Reserve Component retirement). A Request for Production to the Servicemember should be made to produce a copy of his or her Report of Separation and Record of Service, retirement orders or statement of service that shows the date, rank and years of service at If not obtainable from the retirement. Servicemember, then a Statement of Service should be requested by subpoena to the National Personnel Records Center as previously described. See **National** Personnel Records Center—Official Military Personnel File Contents, https://www.archives.gov/st-louis/militarypersonnel/vso/official military personnel fi

le contents.html (last visited August 19, 2017). Once the information is in hand, the high-36 at divorce can be computed using the Servicemember's rank and longevity at divorce to determine the high-36 base pay at divorce by using the pay tables available on DFAS' website at https://www.dfas.mil/militarymembers/paye ntitlements/military-pay-charts.html (last accessed August 19, 2017).

Reserve Component Service Member Still Serving at Time of Divorce.

In this scenario, the military divorce practitioner must, at a minimum, obtain the following: (1) Retirement Points Accounting System (RPAS) Statement for all "Active Duty" points earned; (2) the marital interest in the "Active Duty" points; (3) the Servicemember's high-36 months' base pay at time of divorce; and, (4) if the Servicemember is retirement eligible is still serving, whether the Servicemember made a Reserve Corps SBP Election and, if so, what type.

Item 1—RPAS Statement. A current RPAS statement should be obtained from the Servicemember through a Request for Production. In today's age, the Servicemember typically can go to his or her personal account on the service's web portal and view/download the current points statement. See, e.g., RPAS Detail Data Base at

https://www.hrc.army.mil/content/Retireme nt%20Points%20Accounting%20System%2 ORPAS (list visited August 19, 2017) (stating that Soldiers can check their retirement points account using their Army Knowledge Online (AKO) account); New Tool for Points for Air Force Reserve and Guard at http://www.arpc.afrc.af.mil/News/ArticleDisplay/Article/567402/new-tool-created-to-help-members-keep-track-of-points/ (last visited August 19, 2017) (stating that Reserve or Guard Airmen may check their points statement through the Servicemember's virtual military personnel flight (vMPF) account). Another means is having the Servicemember submit a request

If the Servicemember cannot produce the points statement, retirement points statement can be obtained by subpoena to the applicable service, as follows:

Army Reserve

U.S. Army Human Resources Command ATTN: HRC-PDR-CR 1600 Spearhead Division Avenue Fort Knox, Kentucky 40122

Navy Reserve

Naval Personnel Center (Pers 312E) 5720 Integrity Drive Millington, Tennessee 38005

Air Force Reserve/Guard HQ ARPC/DPTTR 18420 E. Silver Creek Ave. Bldg 390, Mail Stop 68 Buckley AFB, Colorado 80011

Marine Corps Reserve Marine Corps Support Command 15303 Andrews Road Kansas City, Missouri 64147

<u>Coast Guard Reserve</u>
U.S. Coast Guard Pay & Personnel Center

440 S.E. Quincy Street Topeka, Kansas 66683

Army National Guard

Locate and subpoena the State's Adjutant General or Army National Guard headquarters.

<u>Item 2—Marital Interest in Total "Retirement</u> Points" Points Earned. Close attention is required because Reserve Component (i.e. Reserve and National Guard personnel) do not earn points at a constant rate. The marital interest is the total number of "Points Earned for Retired Pay" earned during the period that marriage overlapped the Servicemember's years and months of creditable service through the date of division. See, e.g., 10 U.S.C. § 12732-33; DODFMR 7B, Chapter 29, Paragraph 29608. C.2. (discussing a hypothetical retirement calculation for a reservist); Bloomer v. Bloomer, 927 S.W.2d 118, 120-21 (Tex. App.—Houston [1st Dist.] 1996, writ denied).

Item 3—Servicemember's High-36 Months' As previously described, Base Pay. computation of the Servicemember's high-36 months' base pay, at a minimum, requires a Request for Production of the Servicemember's Leave current and Earnings Statement (LES), which contain the "pay date" used to compute longevity "break points" and the Servicemember's current rank. Again, the date of rank for the Servicemember's current rank also is important in the high-36 calculation since it cannot be assumed that the Servicemember's current rank extends over the entirety of the high-36 months. If not contained within the document by which you obtained the "pay date," the rank(s) and date(s) of rank for the high-36 can be obtained through an Interrogatory to the Servicemember.

If opposing counsel is informed and cooperative, the high-36 can be calculated using rank(s) and longevity "break points" from the current and historical military pay tables available on DFAS' website at https://www.dfas.mil/militarymembers/paye ntitlements/military-pay-charts.html (last accessed August 19, 2017). As necessary, LES' needed to compute the high-36 months' base pay can be obtained from DFAS through subpoena as previously described.

<u>Item 4—Reserve Corp SBP Election, If Any</u>

Servicemembers Reserve Component eligible to retire have 90-days from notification of eligibility to retire to make a Reserve Corps Survivor Benefit Plan (RCSBP) election. See 10 U.S.C. § 1448(2)(B) (describing Reserve Component participation). An eligible Servicemember may not decline to participate without spousal concurrence. 10 U.S.C. 1448(3)(B). RCSPB contains three options—Option A, B and C. See DODFMR 7B, Chapter 54, RCSBP, Paragraph 540302. A full discussion of RCSBP is beyond the scope of this paper, but know that selection of anything other than Option C requires spousal concurrence. See id. Option C provide the best and immediate protection for the spouse/former spouse. See id. A Request for Production should be made to the Servicemember for a copy of his or her RCSBP application package to confirm the existence of coverage and option selected. See id. If the Servicemember cannot produce **RCSBP** application package, the confirmation of coverage and type may be obtained from DFAS by subpoena, as previously described.

Exhibits

Exhibit "A" — VA eBenefits Announcement courtesy of Air Force Reserve Personnel Center

Exhibit "B" — How to Download a VA Benefits Summary Letter from the VA's eBenefits system (from author's files)

Exhibit "C" — Redacted Retiree Account Statement (from author's files)

Exhibit "D" — Redacted VA Benefits Summary Letter (from author's files)

Exhibit "A"

eBenefits

DID YOU KNOW THERE IS AN ONLINE RESOURCE FOR RETIRED OR SEPARATED MEMBERS TO ACCESS THEIR PERSONAL RECORDS?

Once a member separates and/or retires, they can access their entire master personnel file (which includes DD Form 214's, NGB 22's and evaluation reports), without a Common Access Card, through a Department of Veterans Affairs web site call eBenefits. The web site is https://www.ebenefits.va.gov

** First-time users will need to register by clicking on the "Register" button on the top right-hand side of the eBenefits homepage. Users will need to register for the PREMIUM account for access to all services. Once the account is established, the user will have continued access to the web site to retrieve their master personnel file.

The eBenefits help desk number is 800-983-0937, please contact them for further help or instructions on how to use the eBenefits web site.

WHY IS THIS IMPORTANT TO KNOW?

The Air Reserve Personnel Center does not provide members with documents out of their master personnel files; they are referred to eBenefits.

WHAT EXACTLY IS IN A MEMBERS' MASTER PERSONNEL FILE?

Anything that is in a members' ARMS/PRDA record is considered their master personnel file. eBenefits pulls documents directly from ARMS to provide to users of the web site.

WHERE CAN SERPARATED/RETIRED MEMBERS' FIND THEIR MEDICAL RECORDS?

Medical records are maintained through the Department of Veterans Affairs Record Management Center in St. Louis, Missouri. They can be reached at 888-533-4558.

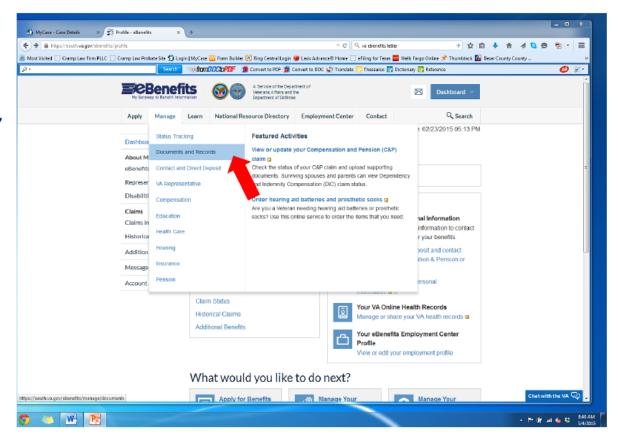
Need more information? Click here for the eBenefits informational brochure.

Source: http://www.arpc.afrc.af.mil/Service-Center/Information-on-eBenefits-and-DD-Form-214/ (last accessed August 19, 2017)

Exhibit "B"

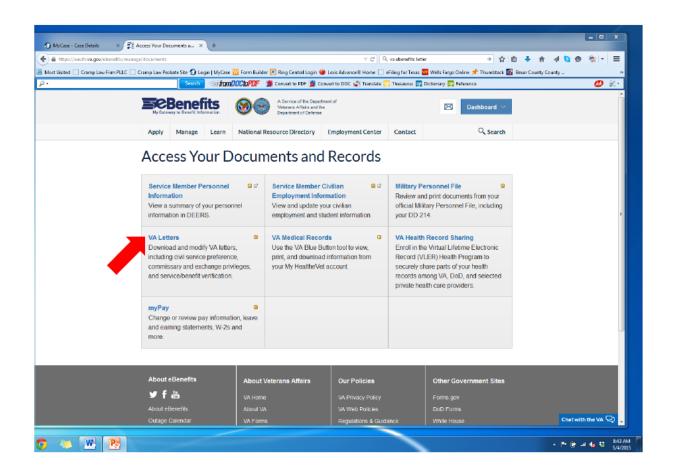
Login to www.ebenefits.va.gov

Under the
"Manage" tab,
select
"Documents
and Records"



1

Select
"VA Letters"



7

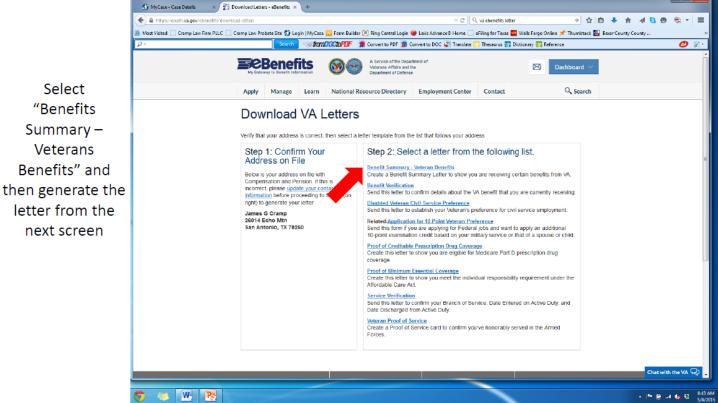


Exhibit C

STATEMENT					
STATEMENT EFFECTIVE DATE JUL 21, 2016 NEW PAY DUE AS OF AUG 01, 2016			SSN ****		
PLEASE REMEMBER TO NOTIFY DFAS IF YOUR ADDRESS CHANGES			DFAS-CL POINTS OF CONTACT		
SMSgt Smith			DEFENSE FINANCE AND ACCOUNTING SERVICE US MILITARY RETIREMENT PAY PO BOX 7130 LONDON KY 40742-7130 COMMERCIAL (216) 522-5955 TOLL FREE 1-800-321-1080 TOLL FREE FAX 1-800-469-6559 myPay https://myPay.dfas.mil		
ACCOUNTS				1 1 2 2 m	
OLD	NEW	ITEM		OLD	NEW
.00	2,293.00 2,293.00	FITW ALLOTMENTS/BONDS		.00	90.50 1,547.10
	YEAR TO DATE S		INFORMATIO	.00	655.40
PAYMENT ADDRESS DIRECT DEPOSIT		Oliminate (1 Oli	IN ORMATIC	N ONLI)	16,051.00
	MARRIED 02 90.50				
	OLD	OLD NEW OLD NEW OUR ADDRESS CHANGES OLD NEW OUR ADDRESS CHANGES OLD NEW OUR ADDRESS CHANGES OUR ADDRESS CHA	OLD NEW ITEM OLD NEW ITEM OUR ADDRESS CHANGES SMSgt Smith OLD NEW ITEM OUR ADDRESS CHANGES PITW OUR ADDRESS CHANGES OUR ADDRESS CHANGES ITEM OUR ADDRESS CHANGES PITW OUR ADDRESS CHANGES FITW OUR ADDRESS CHANGES NET PAY YEAR TO DATE SUMMARY (FOR TAXABLE INCOME TAX WITHHELD: OUR ADDRESS CHANGES NET PAY YEAR TO DATE SUMMARY (FOR TAXABLE INCOME TAX WITHHELD: OUR ADDRESS CHANGES OUR ADDRESS CHANGES	NEW PAY DUE AS OF AUG 01, 2016 COUR ADDRESS CHANGES DEFENSE FINANCI US MILITARY RETY PO BOX 7130 LONDON KY 40714 COMMERCIAL (216 TOLL FREE 1-800-3 TOLL FREE FAX 1-10 TOLL FREE FAX 1-	NEW PAY DUE AS OF AUG 01, 2016 SIMS SIMS STANDERS CHANGES DEFAS-CL POINTS OF CONTACT DEFENSE FINANCE AND ACCOUNTING US MILITARY RETIREMENT PAY PO BOX 7130 LONDON KY 40742-7130 COMMERCIAL (216) 522-5955 TOLL FREE 1-809-221-1080 TOLL FREE FAX 1-800-469-6559 myPay myPay, https://myPay.dfas.mil OLD OU OU OU OU OU 2,293.00 FITW OU OU ALLOTMENTS/BONDS OU VEAR TO DATE SUMMARY (FOR INFORMATION ONLY) TAXABLE INCOME: FEDERAL INCOME TAX WITHHELD: TUS: MARRIED O2 90.50 I (SBP) COVERAGE

RETIRED SERVICEMAN FAMILY PROTECTION PLAN (RSFPP) COVERAGE

RSFPP COVERAGE

ANNUITY PAYABLE

RSFPP COST

ALLOTMENTS AND BONDS

ALLOTMENT TYPE INSURANCE

SAVINGS

PAYEE

TRICARE PRIME - SOUTH AIR FORCE FEDERAL CR 47.10 1,500.00 **BOND FACE VALUE**

SERIES

DEDUCTION

TAX LEVY DEDUCTIONS

DATE OF LEVY

MONTHLY AMOUNT

BALANCE

GARNISHMENT DEDUCTIONS

PAYEE

GARNISHMENT AMOUNT

COMPLETION DATE

FORMER SPOUSE PROTECTION ACT DEDUCTIONS

PAYEE

AMOUNT

MISCELLANEOUS DEBTS

DEBT TYPE

MONTHLY DEDUCTION

PRINCIPAL AMOUNT

INTEREST AMOUNT ACCUMULATED INTEREST DEBT BALANCE

ARREARS OF PAY BENEFICIARY INFORMATION

THE FOLLOWING BENEFICIARIES ARE ON RECORD:

NAME

SHARE

100.00

RELATIONSHIP WIFE



MESSAGE SECTION

BASED ON INFORMATION RECEIVED FROM THE VA, YOUR CRDP AMOUNT IS \$2,293.00. DUE TO A RECENT LEGAL REVIEW OF THE LAW GOVERNING THE COMPUTATION OF CRDP, DFAS IS REQUIRED TO ROUND CRDP ENTITLEMENTS TO THE NEXT LOWER DOLLAR AMOUNT. THEREFORE, YOUR MONTHLY CRDP PAYMENT WILL NO LONGER INCLUDE CENTS. PLEASE SEE WWW.DFAS.MIL FOR MORE INFORMATION ABOUT THE CRDP ENTITLEMENT.

THIS IS YOUR MONTHLY RETIREE ACCOUNT STATEMENT. IT SUMMARIZES THE STATE OF YOUR ACCOUNT AS OF THE DATE SHOWN. PLEASE REVIEW YOUR ADDRESS, BANKING, BENEFICIARY, PAY AND ALLOTMENT INFORMATION REGULARLY. FOR MORE INFORMATION ABOUT RETIRED PAY GO TO http://www.dfas.mii/dfas/retiredmilitary.htm

Exhibit "D"



DEPARTMENT OF VETERANS AFFAIRS 810 Vermont Ave NW Washington, D.C. 20420

August 16, 2016

SMSgt Smith

In Reply Refer to: xxx-xx 27/eBenefits

Dear Mr.

This letter certifies that

is receiving service-connected disability compensation from

the Department of Veterans Affairs.

The current benefit paid is as follows:

Gross Benefit Amount

\$3,187.60

Net Amount Paid

\$3,187.60

Effective Date

August 24, 2015

Combined Evaluation

100 percent

How You Can Contact Us

- If you need general information about benefits and eligibility, please visit us at https://www.ebenefits.va.gov or http://www.va.gov.
- Call us at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the number is 1-800-829-4833.
- · Ask a question on the Internet at https://iris.va.gov.

Sincerely,

Robert T. Reynolds, Director Benefits Assistance Service