

40 Years

Working Together for Children
1976 - 2016



June 14 – 17, 2016
Merrillville, Indiana

Indiana Child Support Conference

SUPPORT OF MILITARY DEPENDENTS

Sullivan & Tanner, P.A.

Raleigh, North Carolina



1976-2016

ESTABLISHING PATERNITY



Military: Civil
matter to be
determined by the
courts!

DoD Policy – Support of Dependents

- All SM's are expected to provide regular and adequate support for their family members
- SM's will not use military service to avoid family support obligations
- Each service will publish its own rules for support
- No set “military allotment” for support

MILITARY FAMILY SUPPORT



Interim Support Regulations



Court Order / Agreement



Unit Command & The “Nonsupport Letter”

Non-Support Letter Tips

- Who's Your Daddy?
- Establishment of Paternity as a Roadblock...
 - *“We have reason to question the legality of this child...”*



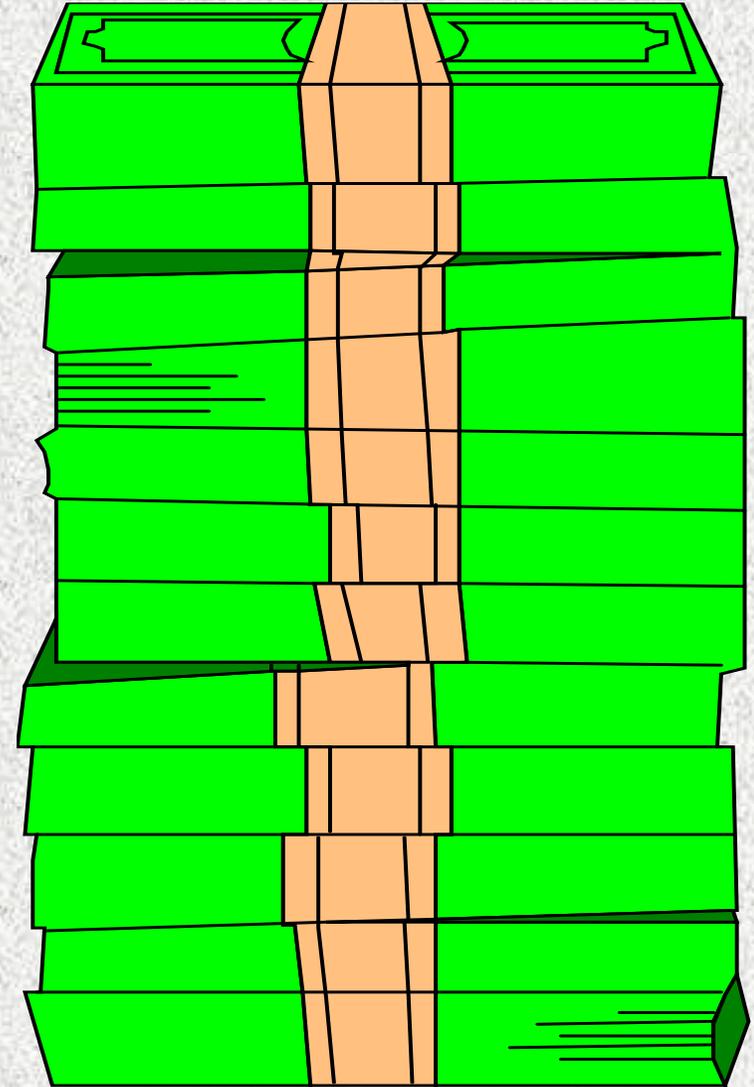


Non-Support Letter Tips

- Use of DETAILS – “Make ‘em weep!”
- Point out the costs of delay
 - Retroactive support
 - Attorney fees
 - Damage to credit rating

Base pay -

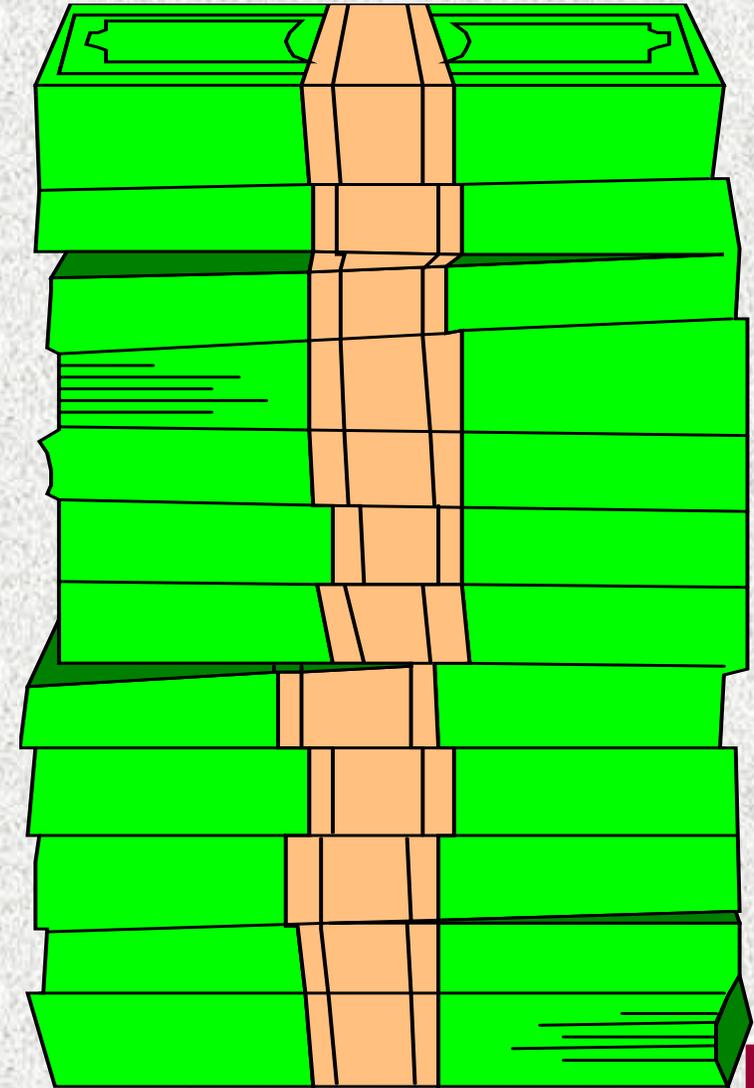
- Military base pay by rank and TIS (Time in Service (every 2 years)
- DFAS website: www.dfas.mil, Go to “Military Members”



Allowances:

Amt increases with rank

- *BAH:*
Basic Allowance for Housing
- *BAS:*
Basic Allowance for Subsistence



The United States Army

Army Regulation 608-99: Solder must provide support equal to the full BAH (RC/T) at the with-dependents rate.





Air Force Policy

- Support is a “civil matter”
- Get a court order!





The U.S. Marine Corps

Total # of Family Members Entitled To Support	Min. Amt. of Monthly Supt. per Requesting Fam. Member	Share of Monthly BAH/OHA per Requesting Fam. Member
1	\$350	1/2
2	\$286	1/3
3	\$233	1/4
4	\$200	1/5
5	\$174	1/6
6 or more	\$152	1/7 or etc.



Navy Rules



Photo # NH 63193-A-KN WWI poster by Christy

1. Spouse only: $\frac{1}{3}$ of gross pay;
2. Spouse and one minor child: $\frac{1}{2}$ of gross pay;
3. Spouse and two or more children: $\frac{3}{5}$ of gross pay;
4. Spouse and four or more children: $>\frac{3}{5}$ of gross pay;
5. One minor child (no spousal support): $\frac{1}{6}$ of gross pay;
6. Two minor children (no spousal support): $\frac{1}{4}$ of gross pay; and
7. Three minor children (no spousal support): $\frac{1}{3}$ of gross pay.

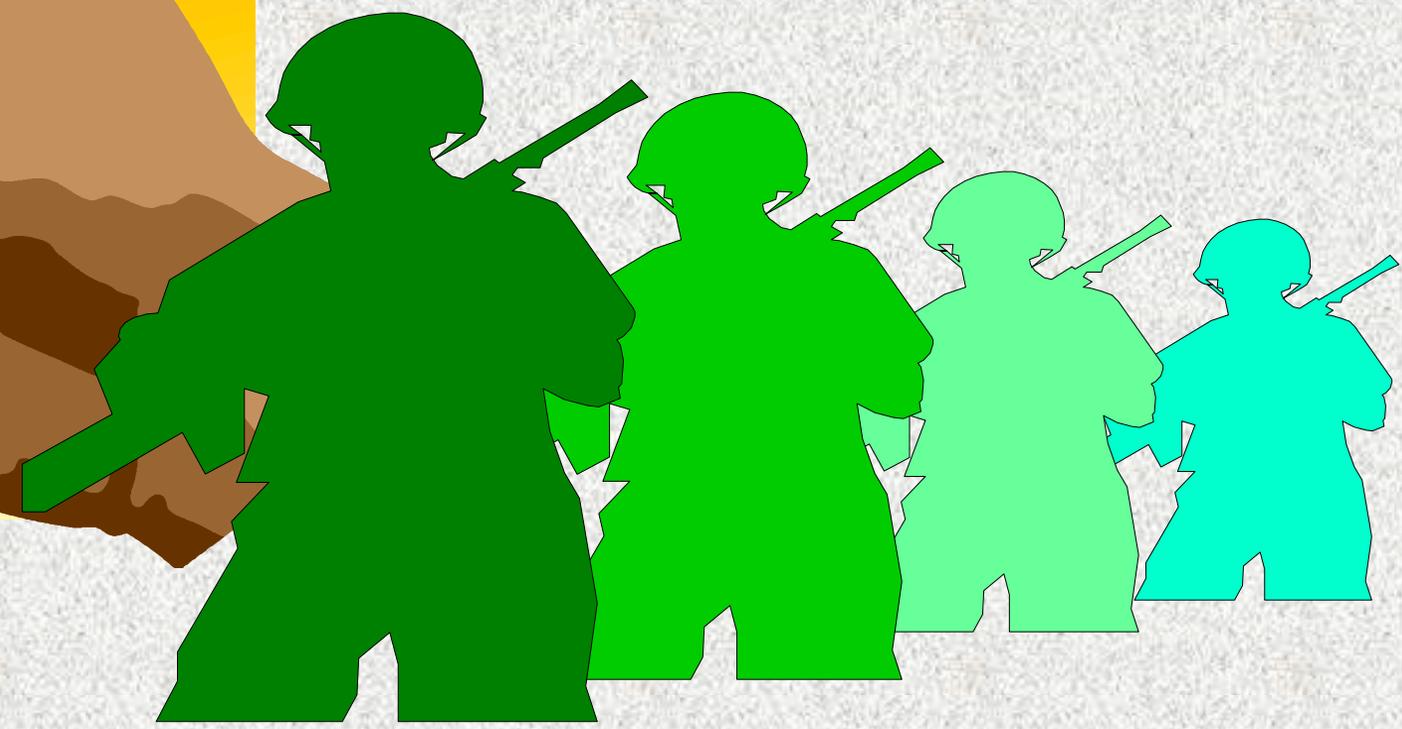
Coast Guard Regulations

1. Spouse only: BAH difference plus 20% of base pay;
2. Spouse and one minor child: BAH difference plus 25% of base pay;
3. Spouse and two or more minor children: BAH difference plus 30% of base pay;
4. One minor child: 16.7% (1/6) of base pay;
5. Two minor children: 25% (1/4) of base pay; and
6. Three or more minor children: 33% (1/3) of base pay.





Military Pay



BAH & BAS -

- These two allowances are non-taxable
- All compensation in a combat zone is non-taxable



2004 1040

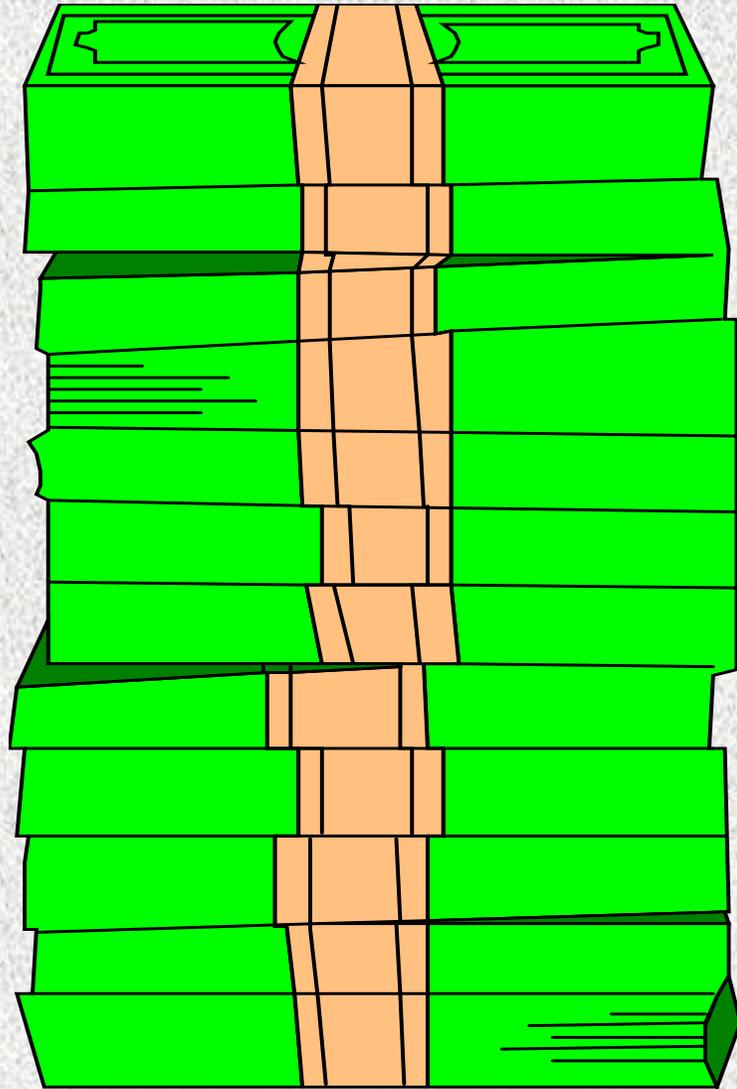
1040 EZ 2 DO TAX FORM
New Simplified Tax Form

1. How much money did you make? \$ _____

2. Send it to us.



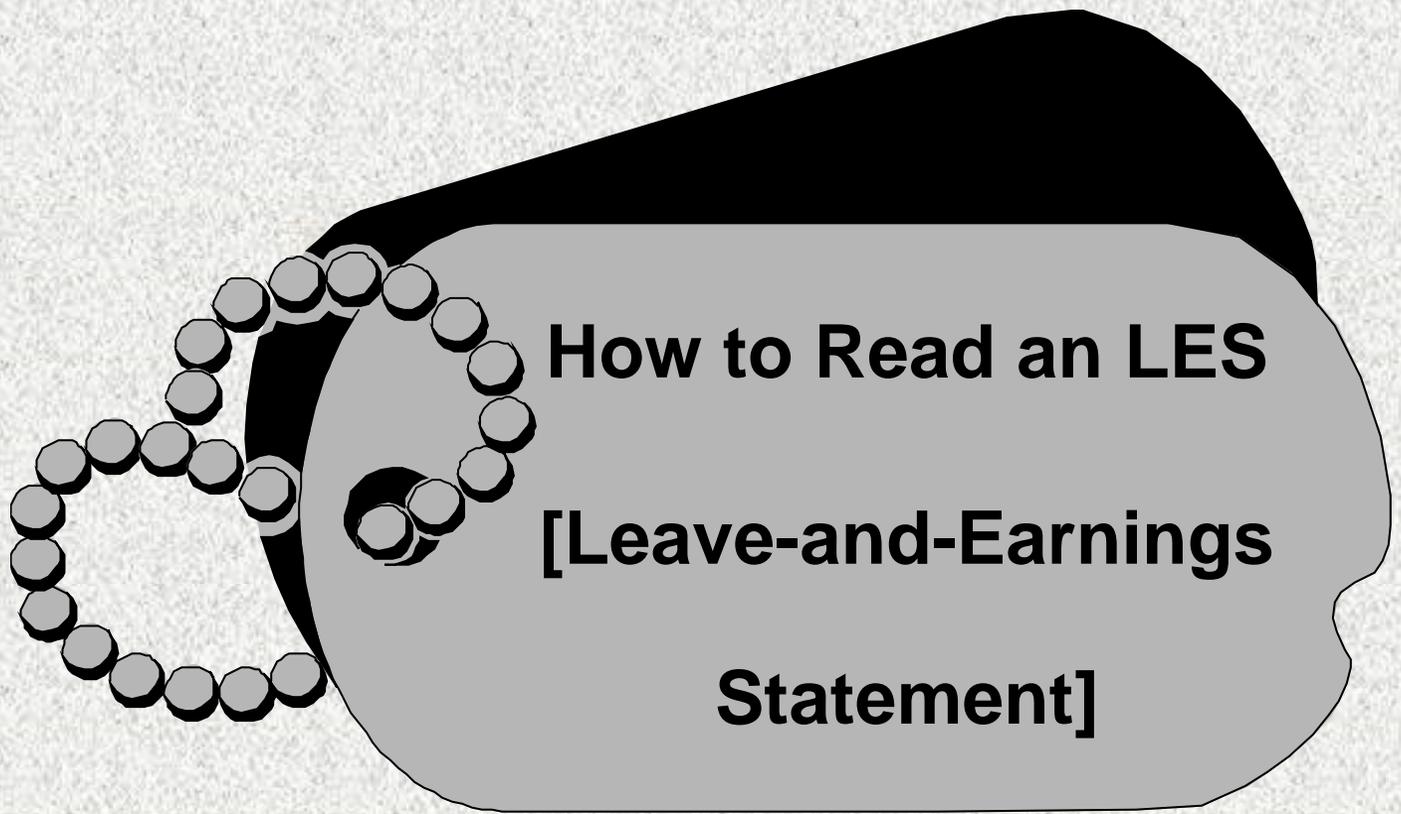
Department of the Treasury
Internal Revenue Service



- Special Skills Pay:
 - flight pay
 - hazardous duty
 - sea, submarine duty
 - etc.
- Bonuses
(lump sum, usually for re-enlisting)



A Short Course in...



How to Read an LES
[Leave-and-Earnings
Statement]

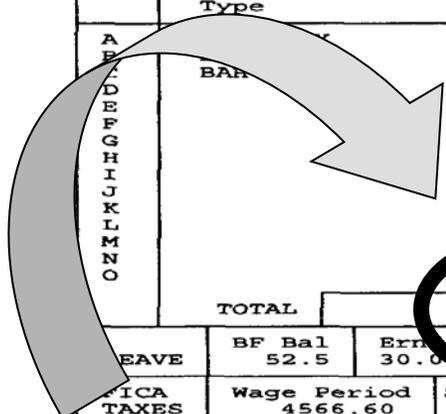
Leave-and-Earning Statement

DEFENSE FINANCE AND ACCOUNTING SERVICE MILITARY LEAVE AND EARNINGS STATEMENT															
ID	NAME (Last, First, MI)				SOC.SEC.NO.	GRADE	PAY DATE	YRS SVC	ETS	BRANCH	ADSN/DSSN	PERIOD COVERED			
						O4	790401	20	888888	ARMY	4809	1-30 SEP 99			
ENTITLEMENTS				DEDUCTIONS				ALLOTMENTS				SUMMARY			
	Type	Amount		Type	Amount		Type	Amount		+Amt Fwd					
A	BASE PAY	4566.60		FEDERAL TAXES	294.91		DISCRETIONARY ALT	525.00		+Tot Ent		6,091.86			
B	BAS	157.26		FICA-SOC SECURITY	283.13					-Tot Ded		681.59			
C	BAH	1368.00		FICA-MEDICARE	66.22					-Tot Allt		525.00			
D				SGLI FOR 200,000	16.00					=Net Amt		4,885.27			
E				DENTAL	21.33					-Cr Fwd		.00			
F										=BOM Pay					
G												4,885.27			
H															
I															
J															
K															
L															
M															
N															
O															
	TOTAL	6,091.86			681.59			525.00							
LEAVE	BF Bal	Ernd	Used	Cr Fwd	ETS Bal	Lost	LvPd	Use/Lose	FED TAXES	WagePeriod	Wage YTD	M/S	Ex	Add Tax	Tax Ytd
	52.5	30.0	14	68.5	.0	.0	.0	8.5	4566.60	41099.40	M	09	.00	3341.71	
FICA TAXES	Wage Period	Soc Wage YTD	Soc Tax YTD	Med Wage YTD	Med Tax YTD	STATE TAXES	Cd	WV	Wage Period	Wage YTD	M/S/N	Ex	Tax YTD		
	4566.60	41099.40	2548.17	41099.40	595.98				.00	.00	M	02	.00		
PAY DATA	BAH Type	BAH Depn	BAH Zip	Rent Amt	Share	Stat	JFTR	Depns	2d JFTR	BAS Type	Charity YTD	TPC	PACIDN		
	W/DEP	SPOUSE	22041	.00	1	R		0			.00		DEDOKAA		
<p>REMARKS</p> <p style="text-align: center;">YTD Entitlements: 54826.74 YTD Deductions: 6813.85</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>JANUARY 1, 2000: WILL YOU GET PAID? YES! DFAS IS READY. VISIT HTTP://WWW.DFAS.MIL/Y2K FOR MORE INFORMATION ON HOW YOU CAN PREPARE FOR Y2K. TRICARE QUESTIONS? CALL LOCAL TRICARE SERVICE CENTER, MILITARY HOSPITAL HEALTH BENEFITS ADVISOR OR SEND E-MAIL TO: TRICARE_HELP@OTSG-AMEDD.ARMY.MIL</p> </div> <div style="width: 45%;"> <p>CHARGE LEAVE 990827-990827(258) BAH BASED ON W/DEP, ZIP 22041 BANK USAA FEDERAL SAVINGS BANK ACCT # 02446413</p> </div> </div> <p style="text-align: center; margin-top: 20px;">THE DFAS-IN CENTER DEVELOPED A NEW FEATURE FOR ACTIVE DUTY IDENTIFICATION NUMBER (PIN). ALL YOU NEED IS A PIN AND SSN CALL DSN 699-0299 OR COMMERCIAL 1-317-510-0299.</p> <p style="text-align: center; margin-top: 20px;">ARMY PERSONNEL TO OBTAIN INFORMATION BY USING A PERSONAL AND A TOUCH TONE PHONE TO ACCESS YOUR LATEST PAY INFORMATION.</p>															



Leave-and-Earning Statement

DEFENSE FINANCE AND ACCOUNTING SERVICE MILITARY LEAVE AND EARNINGS STATEMENT																	
ID	NAME (Last, First, MI)			SOC.SEC.NO.	GRADE	PAY DATE	YRS SVC	ETS	BRANCH	ADSN/DSSN	PERIOD COVERED						
					O4	790401	20	888888	ARMY	4809	1-30 SEP 99						
ENTITLEMENTS				DEDUCTIONS				ALLOTMENTS				SUMMARY					
Type	Amount			Type	Amount			Type	Amount								
A	4566.60			FEDERAL TAXES	294.91			DISCRETIONARY ALT	525.00			+Amt Fwd .00					
B	157.26			FICA-SOC SECURITY	283.13								+Tot Ent 6,091.86				
C	1368.00			FICA-MEDICARE	66.22								-Tot Ded 681.59				
D				SGLI FOR 200,000	16.00								-Tot Allt 525.00				
E				DENTAL	21.33								=Net Amt 4,885.27				
F													-Cr Fwd .00				
G													=EOM Pay				
H													4,885.27				
I																	
J																	
K																	
L																	
M																	
N																	
O																	
TOTAL				6,091.86				681.59				525.00					
LEAVE	BF Bal	Ern	Used	Cr Fwd	ETS Bal	Lost	LvPd	Use/Lose	FED TAXES	WagePeriod	Wage YTD	M/S	Ex	Add Tax	Tax Ytd		
	52.5	30.0	14	68.2	.0	.0	.0	8.5		4566.60	41099.40	M	09	.00	3341.71		
FICA TAXES	Wage Period	Soc Wage YTD	Soc Tax YTD	Med Wage YTD	Med Tax YTD	STATE TAXES	Cd	WV	Wage Period	Wage YTD	M/S/N	Ex	Tax YTD				
	4566.60	41099.40	2548.17	41099.40	595.98				.00	.00	M	02	.00				
Share	Stat	JFTR	Depns	2d JFTR	BAS Type	Charity YTD	TPC	PACIDN									
1	R		0			.00		DEDOKEAA									



**Base Pay + BAS + BAH
= Total Entitlements**

BENEFITS ADVISOR OR SEND E-MAIL TO:
TRICARE_HELP@OTSG-AMEDD.ARMY.MIL

YTD Deductions: 6813.85

CHARGE LEAVE 990827-990827(258)
BAH BASED ON W/DEP, ZIP 22041
BANK USAA FEDERAL SAVINGS BANK
ACCT # 02446413

THE DFAS-IN CENTER DEVELOPED A NEW FEATURE FOR ACTIVE DUTY IDENTIFICATION NUMBER (PIN). ALL YOU NEED IS A PIN AND SSN CALL DSN 699-0299 OR COMMERCIAL 1-317-510-0299.

ARMY PERSONNEL TO OBTAIN INFORMATION BY USING A PERSONAL AND A TOUCH TONE PHONE TO ACCESS YOUR LATEST PAY INFORMATION.



Leave-and-Earning Statement

DEFENSE FINANCE AND ACCOUNTING SERVICE MILITARY LEAVE AND EARNINGS STATEMENT														
ID	NAME (Last, First, MI)			SOC.SEC.NO.	GRADE	PAY DATE	SVC	ETS	BRANCH	ADSN/DSSN	PERIOD COVERED			
					O4	790401	20	888888	ARMY	4809	1-30 SEP 99			
ENTITLEMENTS				DEDUCTIONS				ALLOTMENTS				SUMMARY		
	Type	Amount		Type	Amount		Type	Amount		Amt Fwd				
A	BASE PAY	4566.60		FEDERAL TAXES	294.91		DISCRETIONARY ALT	525.00		.00		+Tot Ent		6,091.86
B	BAS	157.26		FICA-SOC SECURITY	283.13							-Tot Ded		681.59
C	BAH	1368.00		FICA-MEDICARE	66.22							-Tot Allt		525.00
D				SGLI FOR 200,000	16.44							=Net Amt		4,885.27
E				DENTAL	16.44							-Cr Fwd		.00
F												=EOY Pay		
G														4,885.27
H														
I														
J														
K														
L														
M														
N														
O														
	TOTAL				681.59			525.00						
LEAVE	BF Bal	Ernd	U	t	LvPd	Use/Los	FED	WagePeriod	Wage YTD					
	52.5	30.0	1	.0	.0	8.5	TAXES	4566.60	41099.40					
FICA TAXES	Wage Period	Soc Wage YTD	Soc Tax YTD	Med Wage YTD	Med Tax YTD	STAT	Wage	Period	Wa					
	4566.60	41099.40	2548.17	41099.40	595.98	TAXES	W	.00						
PAY DATA	BAH Type	BAH Depn	BAH Zip	Rent Amt	Share	Stat	JFTR	Depns	2d JFTR	BAS Typ				
	W/DEP	SPOUSE	22041	.00	1	R		0						
REMARKS														
YTD Entitlements: 54826.74				YTD Deductions: 6813.85										
<p>JANUARY 1, 2000: WILL YOU GET PAID? YES! DFAS IS READY. VISIT HTTP://WWW.DFAS.MIL/Y2K FOR MORE INFORMATION ON HOW YOU CAN PREPARE FOR Y2K. TRICARE QUESTIONS? CALL LOCAL TRICARE SERVICE CENTER, MILITARY HOSPITAL HEALTH BENEFITS ADVISOR OR SEND E-MAIL TO: TRICARE_HELP@OTSG-AMEDD.ARMY.MIL</p>							<p>CHARGE LEAVE 990827-990827(258) BAH BASED ON W/DEP, ZIP 22041 BANK USAA FEDERAL SAVINGS BANK ACCT # 02446413</p>							
<p>THE DFAS-IN CENTER DEVELOPED A NEW FEATURE FOR ACTIVE DUTY IDENTIFICATION NUMBER (PIN). ALL YOU NEED IS A PIN AND SSN CALL DSN 699-0299 OR COMMERCIAL 1-317-510-0299.</p>														
<p>ARMY PERSONNEL TO OBTAIN INFORMATION BY USING A PERSONAL AND A TOUCH TONE PHONE TO ACCESS YOUR LATEST PAY INFORMATION.</p>														

What's this for... a car?

Discretionary Allotments



Leave-and-Earning Statement

DEFENSE FINANCE AND ACCOUNTING SERVICE MILITARY LEAVE AND EARNINGS STATEMENT																
ID	NAME (Last, First, MI)				SOC.SEC.NO.	GRADE	PAY DATE	YRS SVC	ETS	BRANCH	ADSN/DSSN	PERIOD COVERED				
						O4	790401	20	888888	ARMY	4809	1-30 SEP 99				
ENTITLEMENTS				DEDUCTIONS				ALLOTMENTS				SUMMARY				
	Type	Amount		Type	Amount		Type	Amount		+Amt Fwd						
A	BASE PAY	4566.60		FEDERAL TAXES	294.91		DISCRETIONARY ALT	525.00		.00						
B	BAS	157.26		FICA-SOC SECURITY	283.13					+Tot Ent		6,091.86				
C	BAH	1368.00		FICA-MEDICARE	66.22					-Tot Ded		681.59				
D				SGLI FOR 200,000	16.00					-Tot Allt		525.00				
E				DENTAL	21.33					=Net Amt		4,885.27				
F										-Cr Fwd		.00				
G										=EOM Pay						
H												4,885.27				
I																
J																
K																
L																
M																
N																
O																
	TOTAL	6,091.86		681.59				525.00								
	LEAVE	BF Bal	Ernd	Used	Cr Fwd	ETS Bal	Lost	LvPd	Use/Lose	FED TAXES	WagePeriod	Wage YTD	M/S	Ex	Add Tax	Tax Ytd
		52.5	30.0	14	68.5	.0	.0	.0	8.5		4566.60	41099.40	M	09	.00	3341.71
	FICA TAXES	Wage Period	Soc Wage YTD	Soc Tax YTD	Med Wage YTD	Me	Tax YTD	STATE TAXES	Cd	Wage Period	Wage YTD	M/S/N	Ex	Tax YTD		
		4566.60	41099.40	2548.17	41099.40	Me	595.98		WV	.00	.00	M	02	.00		
	PAY DATA	BAH Type	BAH Depn	BAH Zip	Amc	Share	Stat	JFTR	Depns	2d JFTR	BAS Type	Charity YTD	TPC	PACIDN		
		W/DEP	SPOUSE	22041	.00	1	R		0			.00		DEDOKEAA		

Used and unused LEAVE

YTD Entitlements: 5482.
 2000: WILL YOU GET PAID?
 IS READY. VISIT
 .DFAS.MIL/Y2K FOR MORE INFORMATION
 CAN PREPARE FOR Y2K.
 QUESTIONS? CALL LOCAL TRICARE
 CENTER, MILITARY HOSPITAL HEALTH
 ADVISOR OR SEND E-MAIL TO:
 LP@OTSG-AMEDD.ARMY.MIL

YTD Deductions: 6813.85

CHARGE LEAVE 990827-990827(258)
 BAH BASED ON W/DEP, ZIP 22041
 BANK USAA FEDERAL SAVINGS BANK
 ACCT # 02446413

THE DFAS-IN CENTER DEVELOPED A NEW FEATURE FOR ACTIVE DUTY IDENTIFICATION NUMBER (PIN). ALL YOU NEED IS A PIN AND SSN CALL DSN 699-0299 OR COMMERCIAL 1-317-510-0299.

ARMY PERSONNEL TO OBTAIN INFORMATION BY USING A PERSONAL AND A TOUCH TONE PHONE TO ACCESS YOUR LATEST PAY INFORMATION.

DFAS Form 702, Feb 94

LES Record: 211

Leave-and-Earning Statement

DEFENSE FINANCE AND ACCOUNTING SERVICE MILITARY LEAVE AND EARNINGS STATEMENT													
ID	NAME (Last, First, MI)			SOC.SEC.NO.	GRADE	PAY DATE	YRS SVC	ETS	BRANCH	ADSN/DSSN	PERIOD COVERED		
					O4	790401	20	888888	ARMY	4809	1-30 SEP 99		
ENTITLEMENTS				DEDUCTIONS				ALLOTMENTS				SUMMARY	
	Type	Amount		Type	Amount		Type	Amount		+Amt Fwd		.00	
A	BASE PAY	4566.60		FEDERAL TAXES	294.91		DISCRETIONARY ALT	525.00		+Tot Ent		6,091.86	
B	BAS	157.26		FICA-SOC SECURITY	283.13					-Tot Ded		681.59	
C	BAH	1368.00		FICA-MEDICARE	66.22					-Tot Allt		525.00	
D				SGLI FOR 200,000	16.00					=Net Amt		4,885.27	
E				DENTAL	21.33					-Cr Fwd		.00	
F										=EOM Pay			
G												4,885.27	
H													
I													
J													
K													
L													
M													
N													
O													
	TOTAL	6,091.86						525.00					
LEAVE	BF Bal	Ernd	Used	Cr Fwd	ETS		FED TAXES	WagePeriod	Wage YTD	M/S	Ex	Add Tax	Tax Ytd
	52.5	30.0	14	68.5				4566.60	41099.40	M	09	.00	3341.71
FICA TAXES	Wage Period	Soc Wage YTD	Soc Tax			YTD STATE TAXES	Cd	Wage Period	Wage YTD	M/S/N	Ex		Tax YTD
	4566.60	41099.40	2548.00			98	WV	.00	.00	M	02		.00
PAY DATA	BAH Type W/DEP	BAH Depn SPOUSE	BAH Zip	Rent Amt	Share	Stat	JFTR	Depns	2d JFTR	BAS Type	Charity YTD	TPC	PACIDN DEDOKEAA
			22041	.00	1			0			.00		
REMARKS	YTD Entitlements: 54826.74												YTD
	JANUARY 1, 2000: WILL YOU GET PAID? YES! DFAS IS READY. VISIT HTTP://WWW.DFAS.MIL/Y2K FOR MORE INFORMATION ON HOW YOU CAN PREPARE FOR Y2K. TRICARE QUESTIONS? CALL LOCAL TRICARE SERVICE CENTER, MILITARY HOSPITAL HEALTH BENEFITS ADVISOR OR SEND E-MAIL TO: TRICARE_HELP@OTSG-AMEDD.ARMY.MIL												
	THE DFAS-IN CENTER DEVELOPED A NEW FEATURE FOR ACTIVE DUTY IDENTIFICATION NUMBER (PIN). ALL YOU NEED IS A PIN AND SSN CALL DSN 699-0299 OR COMMERCIAL 1-317-510-0299.												ARMY PERSONNEL TO OBTAIN INFORMATION BY USING A PERSONAL AND A TOUCH TONE PHONE TO ACCESS YOUR LATEST PAY INFORMATION.

West
Virginia

State of Residence
for Tax Purposes



Leave-and-Earning Statement

DEFENSE FINANCE AND ACCOUNTING SERVICE MILITARY LEAVE AND EARNINGS STATEMENT																					
ID	NAME (Last, First, MI)			SOC.SEC.NO.	GRADE	PAY DATE	YRS SVC	ETS	BRANCH	ADSN/DSSN	PERIOD COVERED										
					O4	790401	20	888888	ARMY	4809	1-30 SEP 99										
ENTITLEMENTS					DEDUCTIONS					ALLOTMENTS					SUMMARY						
Type	Amount				Type	Amount															
A	BASE					TAXES	294.91				DISCRETIONARY ALT	525.00				+Amt Fwd	.00				
B	BAS					C SECURITY	283.13									+Tot Ent	6,091.86				
C	BAH					DICARE	66.22									-Tot Ded	681.59				
D						R 200,000	16.00									-Tot Allt	525.00				
E							21.33									=Net Amt	4,885.27				
F																-Cr Fwd	.00				
G																=EOM Pay					
H																	4,885.27				
I																					
J																					
K																					
L																					
M																					
N																					
O																					
	TOTAL	6,091.86					681.59					525.00									
LEAVE	BF Bal	Ernd		ETS Bal	Lost	LvPd	Use/Lose	FE	WagePeriod	Wage YTD	M/S	Ex	Add Tax	Tax Ytd							
	52.5	30.0	14	.0	.0	.0	8.5	TAXES	4566.60	41099.40	M	09	.00	3341.71							
FICA	Wage Period	Soc Wage YTD	Soc Tax YTD	Med Wage YTD	Med Tax YTD	STATE	Cd	Wage Period	Wage YTD	M/S/N	Ex	Tax YTD									
TAXES	4566.60	41099.40	2548.17	41099.40	595.98	TAXES		.00	.00	M	02	.00									
PAY	BAH Type	BAH Depn	BAH Zip	JFTR	Depns	2d JFTR	BAS Type	Charity YTD	TPC	PACIDN											
DATA	W/DEP	SPOUSE	22041		0			.00		DEDOKEAA											
REMARKS																					
YTD Entitlements: 54826.																					
JANUARY 1, 2000: WILL YOU GET PAID? YES! DFAS IS READY. VISIT HTTP://WWW.DFAS.MIL/Y2K FOR MORE INFO ON HOW YOU CAN PREPARE FOR Y2K. TRICARE QUESTIONS? CALL LOCAL TRICARE SERVICE CENTER, MILITARY HOSPITAL HEADQUARTERS, MILITARY HOSPITAL HEADQUARTERS BENEFITS ADVISOR OR SEND E-MAIL TO: TRICARE_HELP@OTSG-AMEDD.ARMY.MIL																					
ons: 6813.85																					
GE LEAVE 990827-990827(258)																					
BASED ON W/DEP, ZIP 22041																					
USAA FEDERAL SAVINGS BANK																					
# 02446413																					

Total Income
= \$6,091.86

Taxable Wages
= \$4,566.60

Difference
= \$1,525.26
= BAS, BAH

Other Considerations

- “In-kind” income
- Combat zone/hazardous duty location
- “Gross up” income
 - Home of record for military purposes

Obtaining Government Documents

- Leave & Earnings Statement
- Retiree Account Statement
- Disability rating decision letters from Dept VA
 - VA Disability Pay & CRDP
- CRSC Statement



Step 1... Ask Your Client!





Getting Documents

- Discovery – Rule 34, Request for Production of Documents

https://myPay.dfas.mil

Login ID-->
Password-->

The screenshot shows a web browser window with the URL <https://myPay.dfas.mil>. The browser's address bar shows the local file path: `C:\Users\MSULLIVAN\AppData\Local\Temp\myPay Web S`. The browser's menu bar includes File, Edit, View, Favorites, Tools, and Help. The website's navigation bar includes links for Accessibility, Security, Privacy Notice, FAQ, System Usage, and Contact Us. The main content area is divided into three columns:

- Log In**: Contains a "Login ID" field, a "Password" field with a "Go" button, and an "On-Screen Keyboard" link. Below this is a "SmartCard Login" button with a "Smart" icon and the text "DoD CAC or HHS PIV".
- Important Information**: Contains three sections:
 - Pay to Go Electronic by March 1, 2013**: A Treasury mandate requires electronic funds transfer starting March 1, 2013. It includes a link to "Mandatory EFT Information".
 - myPay Interactive Phone Service to End**: The myPay IVR system will end on Oct. 1, 2012. It includes a link to "Guidance for New Users".
 - TSP and ROTH TSP**: Available for Marine Corps, HHS, EPA, and VA. DoD civilians must use eBis.
 - Health and Human Services Employees**: Effective April 30, 2012, HHS ID badge (PIV card) can be used for login. It includes a link to "Guidance for New Users".
- Quick Links**: Contains two sections:
 - DFAS Resources**: Includes links for "DFAS - Home", "How do I get a new myPay Password?", "myPay Assistance and Customer Support", "myPay SmartCard (DoD CAC and HHS PIV)", "myPay Mobile", "myPay Trusted agents", "Pay Inquiries: Army Active, Navy (Active/Reserve) Air Force (Active/Reserve/Guard)", "Pay Inquiries: Army National Guard", and "Pay Inquiries: Army Reserve SmartVoucher - Complete a DD 1351-2".
 - External Resources**: Includes links for "Adobe Reader", "Army Retirement Services Office", "IRS Withholding Calculator (Form W-4)", "Military Compensation - Retirement Calculators", and "PDHRA for Army Civilians".

At the bottom of the page, there is a "System Availability" section and a small box with a "Smart" icon and the text "It's about the customer!".

Issuing a subpoena...



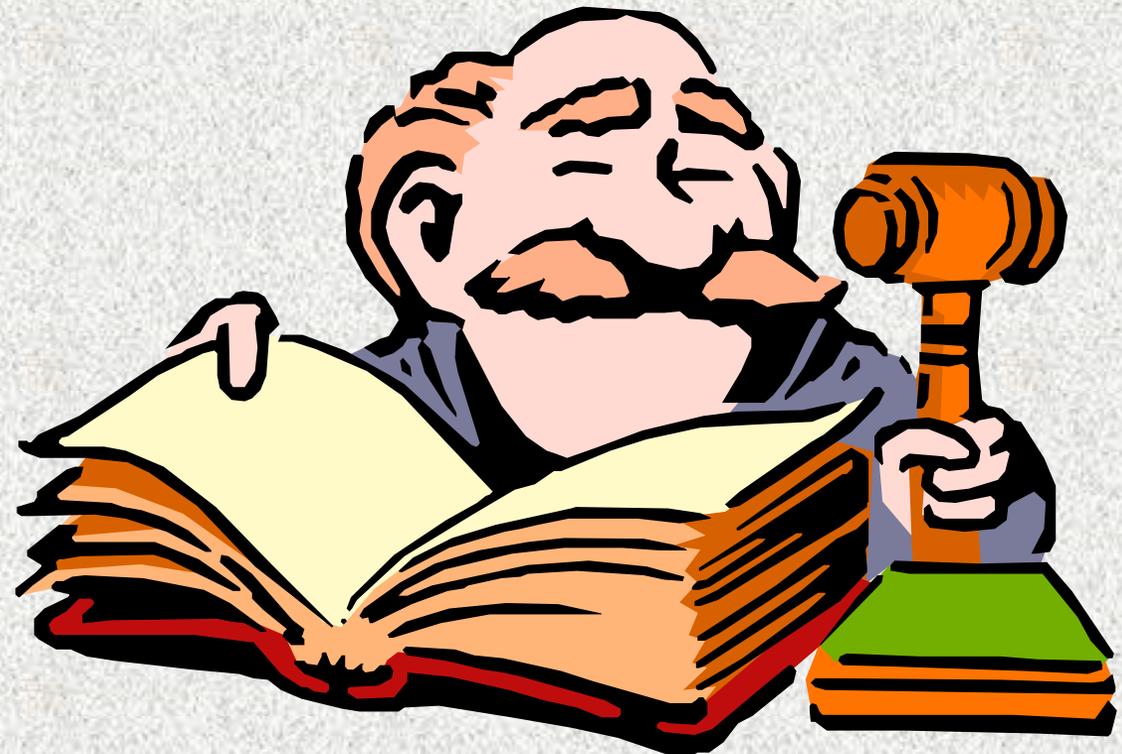
Discovery Request to Government

> 5 CFE § 581.303

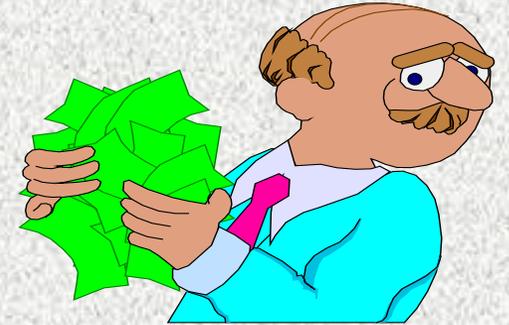
>RPDS

>Interrogatories

>Leave plenty of time!



Finance Centers



Army

DFAS Indianapolis Center
8899 East 56th Street
Indianapolis, IN 46249-0160

Air Force

DFAS Denver Center
6760 E. Irvington Place
Denver, CO 80279-8000

Marine Corps

DFAS Kansas City Center
1500 East 95th Street
Kansas City, MO 64197-0001

Navy

DFAS Cleveland Center
Records Retrieval
1240 E. 9th St.
Cleveland, OH 44199-2055

Coast Guard

Commanding Officer
Coast Guard Human Resource
Service and Information Center
444 S.E. Quincy
Topeka, KS 66683-3591

Resources...

- DFAS
- Department of Veterans Affairs
- National Personnel Records Center



SCRA: THE BASICS

- WHO?
 - All active duty SMs and guard/reserve who care called to active duty for 30 days or more
- WHEN?
 - Passed 19 DEC 2003
- WHY?
 - Enable SMs to devote their entire energy to the defense needs of the Nation
- WHAT?
 - Protect against Default
 - Stay of Proceedings

Reopening Default...

- SM can reopen a default judgment if:
 - Entered when SM was on active duty or within 60 days thereafter
 - SM applies for relief while on active duty or within 90 days of leaving active duty
 - SM proves that at the time the judgment was rendered, he was prejudiced in his ability to defend himself due to military service, AND
 - There is a meritorious or legal defense to the initial claim

How do I default a SM?

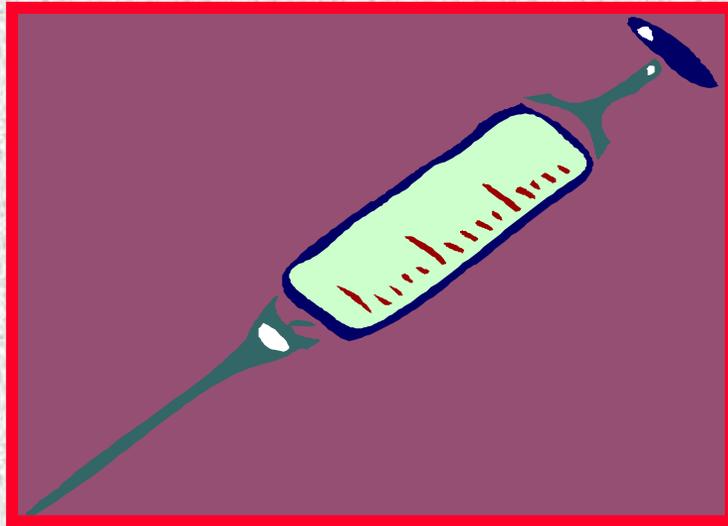
- SCRA affidavit swearing the SM is/is not in the military
- Court **MUST** appoint an attorney
 - If the attorney can't reach the SM, mandatory 90 day stay of proceeding

Stay of Proceedings

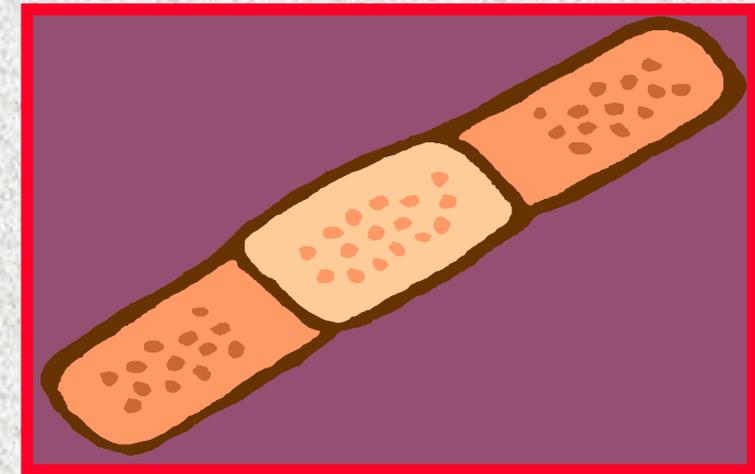
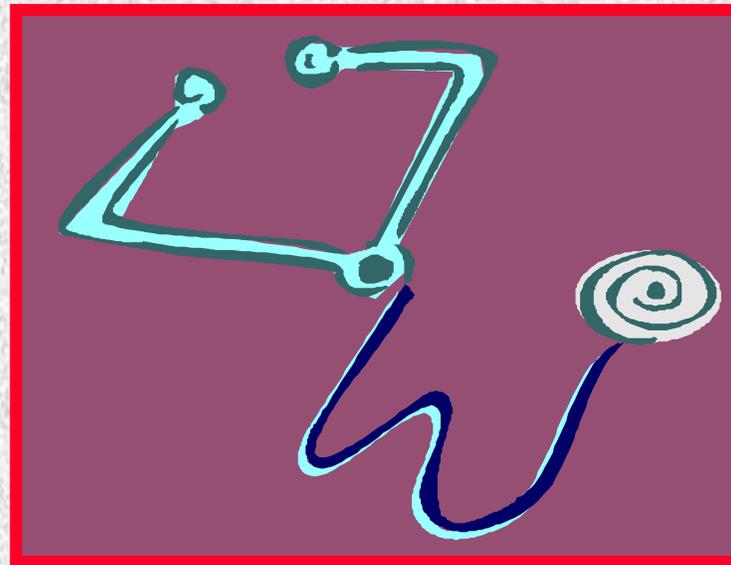
- 90 Day MANDATORY stay of proceedings if the SM files a proper request:
 - A statement as to how the SM's current military duties materially affect his or her ability to appear;
 - A statement of a date when the SM will be available to appear;
 - A statement from the SM's commanding officer that the SM's current military duty prevents his or her appearance; and
 - A statement that military leave is not authorized for the SM at the time of the statement.

Defending Against a Stay

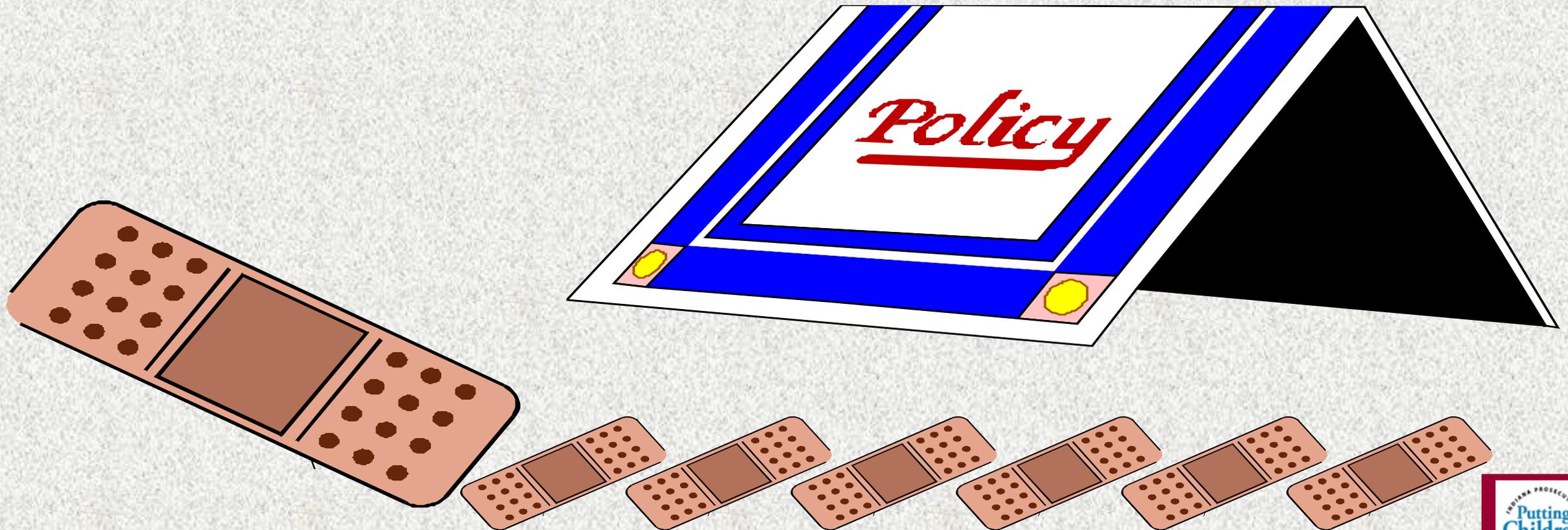
- Non-moving party is entitled to an opportunity to be heard in determining whether the SM's military duties materially affect his/her ability to appear
 - Discovery re: nature and effect of military service
 - Get a copy of LES – accrued leave?
 - Ask Judge to require a detailed statement



Medical Support

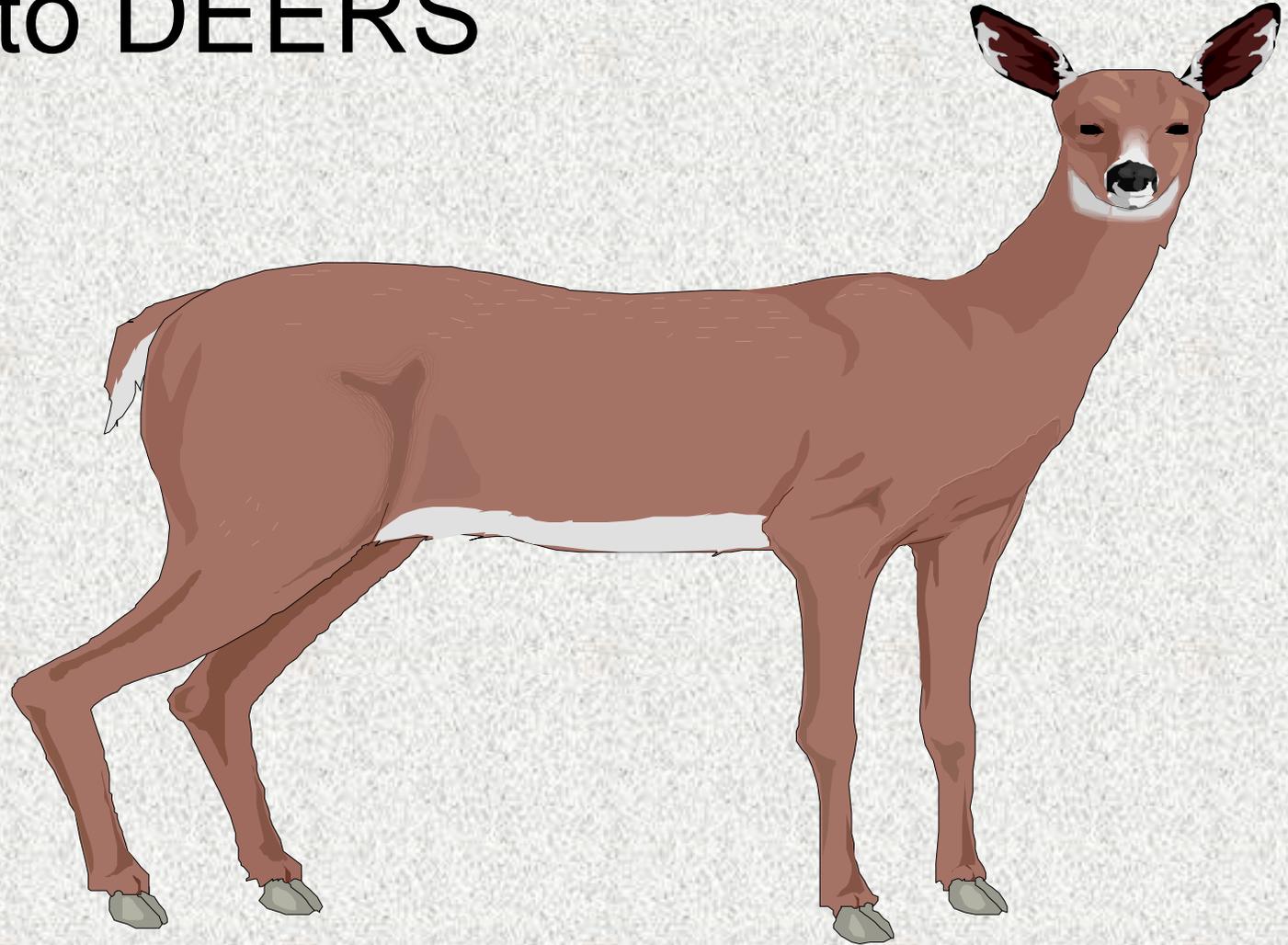


Health insurance coverage:
TRICARE (www.tricare.mil)





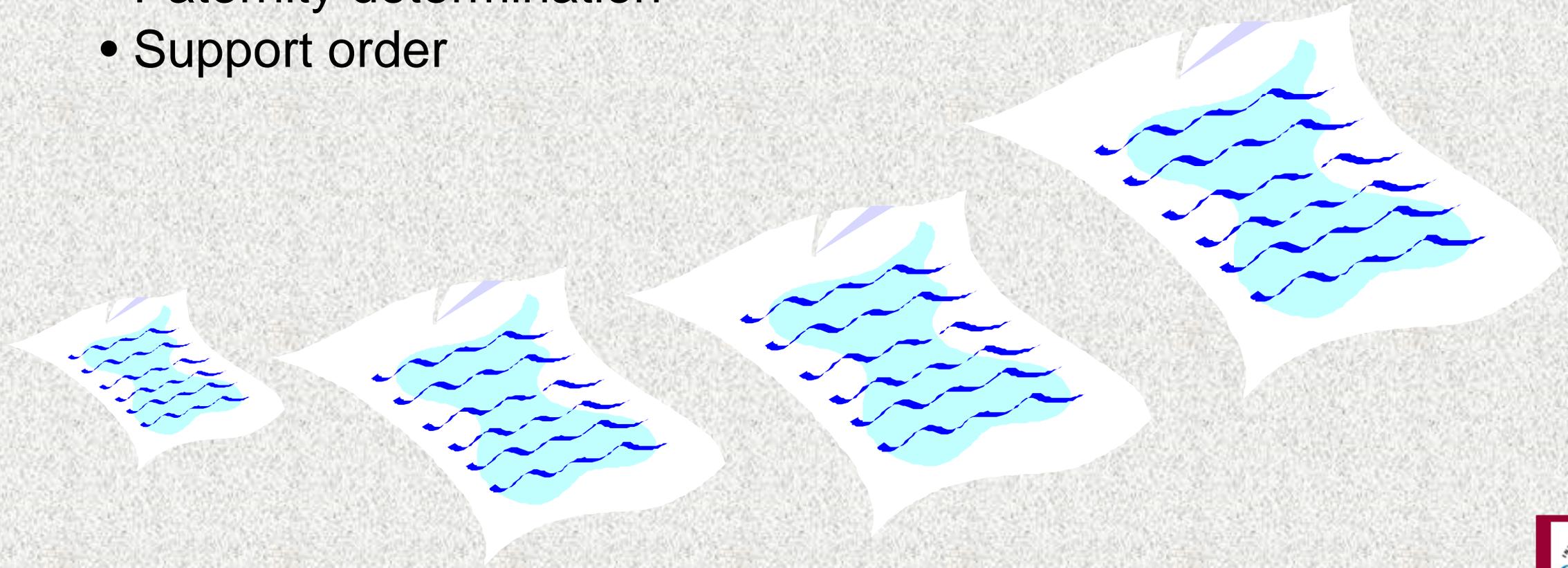
Enrollment into DEERS





Documents needed to enroll

- Birth Certificate,
- Paternity determination
- Support order



Use of military clinics and hospitals (no cost)



FORMER SPOUSE TRICARE OPTIONS

- 20/20/20 Unremarried Former Spouse
 - 20 yr Marriage + 20 yr Mil Svs + 20 yr overlap
- 20/20/15 Unremarried Former Spouse
 - 20 yr Marriage + 20 yr Mil Svs + 15 yr overlap
- Resources
 - Ch 3, AFI 36-3026_IP, June 2009
 - Common Questions and Answers on FS
 - Former Spouse Determination Program

CHCBP

CONTINUED HEALTH CARE BENEFIT PROGRAM

- NOT TRICARE BUT SAME COVERAGE AS TRICARE STANDARD
 - \$150 annual deductible; 75/25 copay; \$3000 cap; TRICARE Pharmacy Benefits
- LIKE A CONVERSION OR COBRA POLICY

Life Insurance

- Ridgeway v. Ridgway (USSC 1981): Don't rely on SGLI!

ENFORCEMENT

- **Garnishment:** Federal Law (42 U.S.C. § 659) authorizes garnishment of military pay and USFSPA authorizes garnishment of military retired pay
 - MUST HAVE A ORDER FOR GARNISHMENT
 - Send to pay center with identifying info
 - Only base pay in most cases
 - Usually limited to 55% of base pay
- **Involuntary Allotment**
 - Easier because you only need a support order
 - Usually more money available
 - SM must be 2 months in arrears
 - Send support order to DFAS
 - Includes allowances (BAH, BAS)
 - Usually 60-65% of total pay



Help is never far away...

