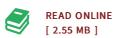




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By David F Burrelli

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member or retiree could not be awarded any share of that member s/retiree s retired pay as a part
of a divorce property settlement in a community property state. In response, Congress enacted the
Uniformed Services Former Spouses Protection Act (USFSPA) in 1982. Under the USFSPA, state
courts can treat disposable military retired pay as divisible property in divorce cases. In addition,
certain former spouses would remain eligible to receive certain military benefits or privileges. The
USFSPA has since been modified on a number of occasions. The USFSPA allows for disposable
military retired pay to be divided as part of a divorce settlement. The law makes no assumption of
such a division nor does it presume how much of a division should be made. However, state laws
may vary on these concepts. In addition, the USFSPA allows for certain military benefits to be
awarded to qualifying former spouse. These include health care benefits and
commissary/exchange privileges. Confusion exists over the distinction of disposable versus total
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