

DISCOVERY FROM DFAS AND SERVICE MEMBER

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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 the 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 author's experience, nearly all 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).

Item 3—Retiree Account Statement. The 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. See 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 and 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/manager/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 the 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 needed (i.e. how the documents will be used) which aids DFAS in understanding the reason for the request. Below is a communication this author

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**

received from DFAS regarding service of subpoena, as follows:

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 retired pay. *See* 38 U.S.C. § 5304 (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 comply with the National Defense 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. *See* 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.

Item 1—Creditable Service At Time of Division. 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 erroneous. *See id.* The “pay date” is used 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, grade, Social Security number, branch/functional 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/buipers-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.

Items 2—Marital Interest. 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.

Item 3—Servicemember's High-36 Months' Base Pay. Computation of the 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 the 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/payentitlements/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 service of subpoena as previously described.

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 all "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 (i.e. a retired Reserve Component 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_file_contents.html (last visited August 19, 2017).

Item 2—Marital Interest in Total "Retirement 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 the marriage overlapped 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). A 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 a Request for Production to the 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/manager/ras/understandpage1.html> (last accessed August 29, 2017).

Item 4—High-36 Months Base Pay for Gray Area Retiree

Gray area retirees continue to accrue longevity increases for the rank at which they retired from retirement through the 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 the 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 retirement. If not obtainable from the 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, at https://www.archives.gov/st-louis/military-personnel/vso/official_military_personnel_file_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/payentitlements/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/Retirement%20Points%20Accounting%20System%20RPAS> (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/Article-Display/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

Coast Guard Reserve

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.

Item 2—Marital Interest in Total “Retirement 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 the 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' Base Pay. As previously described, computation of the 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 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/payentitlements/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.

Item 4—Reserve Corp SBP Election, If Any

Reserve Component Servicemembers 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 the RCSBP application package, 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)