Frozen Benefit Rule – FLOWCHART


Was divorce* on or before Dec. 23, 2016?

Yes

Was SM** receiving retired pay as of date of divorce?

Yes

Rule doesn’t apply.

No

No

Frozen Benefit Rule applies re division of uniformed services retired pay. Retired pay center will only divide ret’d pay earned as of divorce date, as if SM had retired then. Pension division document must contain 2 data points:

- Years of creditable service (for Guard or Reserve member, total retirement points).
- High Three amount.‡

As of date of divorce

- LEGEND -
*Divorce also means decree of dissolution, annulment or legal separation.
**Servicemember
†Guard/Reserve member who has applied for retired pay but is not yet in pay status (payments usually begin at age 60)
‡Average of highest 36 months of compensation (base pay), expressed as monthly amount.