



Best of ListServ

Q:

Dear Group: I have two questions - one related to disability pay and the other related to applying military retired pay to federal government job.

Spouse is about to file for divorce against retired military member husband. Husband is paid an amount of monthly military retired pay, military disability pay and his monthly income from a federal government job.

Questions:

1. As part of the divorce, spouse qualifies to receive a percentage amount of husband's retired pay. Is the monthly disability pay also divisible?

2. Can husband apply any/part of his military time towards his pension plan with the federal government?

As always, thanks for your responses, Vincent Rahaman, Colorado Springs, CO.

A:

Vincent:

Short answers:

1. No. But, spouse may get her percentage of the unreduced military retirement anyway; see sections on divorce after retirement and after disability award, in disability article under published works on website.

Also see section on concurrent receipt.

2. Yes. This is explained in details in section in main article (Divorcing the Military, etc.) on interactions between military and Civil Service retired pay. Note that if military time is rolled into Civil Service, even non-divisible disability could be turned into divisible Civil Service retired pay.

Feel free to contact me if you need further details.

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