



DEFENSE FINANCE AND ACCOUNTING SERVICE

1240 EAST NINTH STREET
CLEVELAND OHIO 44199

DFAS- HGA

MEMORADUM FOR RECORD

SUBJECT: Justification for Requirement of Social Security Number (SSN) on DD Form 2293, "Application for Former Spouse Payments from Retired Pay"

This memorandum is written to satisfy the requirements established in the Office of the Under Secretary Of Defense (OUSD) Personnel and Readiness (P&R) Directive-Type Memorandum (DTM) 07-015-USD (P&R), "DoD Social Security Number Reduction Plan," of March 28, 2008, that requires justification of the collection and use of the SSN on the proposed DD Form 2293, "Application for Former Spouse Payments from Retired Pay."

The DD Form 2293 is used when a former spouse of a service member/military retiree wishes to apply for direct payments pursuant to the Uniformed Services Former Spouses' Protection Act (USFSPA), 10 U.S.C. § 1408, from the Defense Finance and Accounting Service (DFAS) for court ordered division of military retired pay, child support, or alimony. The DD Form 2293 is initiated and completed by the applicant. The DD Form 2293 will record the name, address, signature of the applicant, SSN of both the applicant and the member/retiree. The DFAS Garnishment Operations Division uses this form along with the supporting court order to determine the eligibility of the applicant and to properly report Federal income tax withholding to the Internal Revenue Service. A former spouse of an active duty member can also apply but will not be eligible for payment through the USFSPA until the member retires.

The use of the SSN on DD Form 2293 falls under the following acceptable uses listed in the Directive-Type Memorandum, Attachment 1, Guidance on the Use of the SSN by the Department of Defense:

Statutory requirements. Data on the member/retiree, including SSN, is required by Title 10 of the United States Code (U.S.C.) § 1408(b)(1)(c); that section indicates that the applicant must submit the court document identifying the member concerned, and "if possible, the social security number of such member."

Federal Taxpayer Identification Number. Data on the applicant and the member/retiree, including SSN, is required to be collected because the data is used to generate Federal, State and local income tax statements which report taxable wages and withholding to the Federal, State and local tax agencies. This information is required by Treasury Financial Manual 3-4000. Additionally, an Internal Revenue Service (IRS) Form 1099-R is issued to the IRS for both the applicant and retiree by the DFAS, Retired Pay Directorate at the end of the year in division of property USFSPA, 10 U.S.C. § 1408, payment cases.

Computer Matching. The SSN contained on the DD form 2293 is used to interact with the IRS, Social Security Administration (SSA), the Department of Veterans Affairs (DVA) and the U.S. Treasury Department; currently, all these agencies use the SSN as a primary identifier. The SSN is used by these government agencies to transfer, match, or check their records.

A specific instance of interaction required with the SSA is the DFAS Retired Pay system index match. The SSA sends the Retired Pay information if it receive notice that the applicant or member/retiree had died. Pursuant to the USFSPA, 10 U.S.C. § 1408(d)(4), division of property payments terminate upon death of either the applicant or military retiree. Upon notice of death, we suspend payments pending further verification. If the SSN for either the former spouse or the member/retiree on the DD form 2293 is eliminated, this would pose a risk of improper payments continuing after the death of either party, resulting in overpayment and statutory non compliance.

Legacy System Interface. The current legacy systems used to pay military members, Defense Military Retiree and Annuity Pay System (DRAS), require the SSN to process transactions and to identify the member. Without the SSN, DFAS could not meet the requirements of 5 U.S.C. 301 and Departmental Regulations.

Additionally, the military retired pay legacy system is interfaced with the Integrated Garnishment System. The Integrated Garnishment System is the system that processes approved DD form 2293 applicant payments. The Garnishment Operations Division receives over 10,000 documents per month. Accordingly, the SSN cannot be truncated without the risk of misidentifying the military retiree, which could result in garnishing the wrong person or the risk of having payments go to the wrong applicant.

Privacy Act Compliance. The information collected on the DD Form 2293 is covered under the Privacy Act System of Records Notice. The paper forms are secured to protect Personally Identifiable Information (PII) in accordance with DoD regulations. Records are stored electronically in office buildings where physical entry is restricted by the use of locks, guards and is accessible only to authorized personnel. Access to records is limited to individuals responsible for servicing the record in performance of their official duties and who are properly screened and cleared on a need-to-know basis. Use of a Common Access Card is required to access the computerized data and access is restricted by passwords, which are changed periodically. Collection, retention, storage, use and disposal of PII are handled appropriately and only by individuals who are qualified to do so. Personnel are trained on appropriate handling of PII information.

The SSN will no longer be needed on the DD Form 2293 when the Office of Personnel Management, the Department of Defense, the Internal Revenue Service, the Social Security Administration, the Department of Veterans Affairs and the U.S. Treasury Department implement a system with an alternate method of identification. Once this is accomplished, pay systems will be modified to recognize the alternate method of identification.

System of Record Notices. The data on this form is covered by the following System of Record Notice and are published at: <https://www.defenselink.mil/privacy/notices/dfas>

T5500b, Garnishment Processing Files (August 24, 2005, 70 FR 49589), authorized by 10 U.S.C. § 1408, payment of retired or retainer pay in compliance with court orders and E.O. 9397.

T7320, Electronic Funds Transfer (EFT) Records (October 15, 2004, 69 FR 61225) (authorized by 5 U.S.C. § 301, DoD Financial Management Regulation 7000.14-R, Volume 7B, Retired Pay and E.O. 9397.

T7330, DFAS Payroll Locator File System (PLFS) (September 1, 2005, 70 FR 52078) (authorized by 5 U.S.C. § 301, Departmental Regulations; DoD Financial Management Regulation 7000.14-R, Volumes 7A, 7B, 7C, 8, and 13; and E.O. 9397.

T7347b, Defense Military Retiree and Annuitant Pay System (DRAS) (authorized by 5 U.S.C. § 301, Departmental Regulations: 10 U.S.C., Chapters 61, 63, 65, 67, 69, 71, 73, 74; P.L. 91-425, DoD Financial Management Regulation (FMR) 7000.14-R, Volume 7B; and E.O. 9397.

5 U.S.C. 301, Departmental Regulations; 10 U.S.C., Chapters 53, 61, 63, 65, 67, 69, 71, 73, 74; 10 U.S.C. Sec. 1059, and 1408(h); 38 U.S.C. Sec. 1311 and 1313; Pub. L. 92-425; Pub. L. 102-484 Sec. 653; Pub. L. 103-160 Sec. 554 and 1058; Pub. L. 105-261, Sec. 570; DoDI 1342.24, Transitional Compensation for Abused Dependents; DoD Financial Management Regulation 7000.14-R, Volume 7B and E.O. 9397 (SSN).


Privacy Impact Assessments (PIA)

The data on this form is covered by the Privacy Impact Assessment (PIA) located at: <http://www.dfas.mil/more/dfasfreedomofinformationactprivacyact/dfaspia.html>.

Specifically, DFAS, Garnishment Support Systems, August 2007 and DFAS, Garnishment Electronic Document Management (EDM) System, Integrated Garnishment System (I-GARN), Unique Project (Investment) Identifier- 007-97-01-01-02-8204-00, May 2008.

The paper forms and copies of the form are secured to protect PII in accordance with DoD regulations. The Paperwork Reduction Act notice was published for this form in the Federal Register. Handling of PII conforms to applicable legal, regulatory and policy requirements regarding privacy.

If you have any questions, my point of contact is Ms. Lulita Reinhart and she can be reached at (216) 204-7427.


John S. Mester
General Counsel