

FSPA ADD REJECT PARAGRAPHS FOR APPENDIX M LETTERS

CV: Common Validation
CP: Community Property
A: Alimony
CS: Child Support

*****1. CV: No divorce decree**

You must submit a certified copy of the final court order of divorce, separation or annulment which has been certified and dated by the Clerk of Court.

*****2. CV: Order not certified**

The final court order of divorce, separation or annulment must be certified by the Clerk of the Court.

*****3. CV: Order not certified within 90 days**

DELETE

*****4. CV: No application**

You must complete and submit the USFSPA application form DD Form 2293. The form may be obtained through our website www.dfas.mil/garnishment.html

5. CV: No former spouse ssn

Your Social Security Number is required to process your application.

6. CV: Request statement not completed

You must complete Section 3, Request Statement, on the application form.

***7. CV: Disability #1**

Retired/retainer pay cannot be considered for payment under the USFSPA if the court order was issued prior to November 14, 1986 and any portion of the member's retired/retainer pay is based on disability. A portion of the member's retired/retainer pay is based on disability, therefore, we cannot honor your application for a portion of the member's retired/retainer pay.

[Overrides any other CV reject reason(s)]

***8. CV: Disability #2**

The entire amount of the member's retired/retainer pay is based on disability, thus there are no funds available for payment under the USFSPA.

[Overrides any other CV reject reason(s)]

9. CV: SCRA not complied with

The court order or other court documents must reflect that the court observed the rights of the member under the Service Members' Civil Relief Act of 1940.

10. CV: Appeal time

The court order must be a final decree from which no appeal may be taken, or from which no appeal had been taken within the time allowed for appeals. The time permitted for appeal has not expired.

11. CV: Not valid - must edit

Your application cannot be processed for the following reason:

[Display 'must edit' message]

***12. CP: 10/10 not met**

Under the USFSPA, we can honor a request for payments from retired/retainer pay as property only in those cases where the parties were married for at least 10 years during which the member performed at least 10 years of creditable military service. Based on the documentation you provided and the member's military records, this requirement has not been met.

[Overrides other CP reject reason(s). If only CP being processed, override any CV reject reason(s).]

13. CP: No marriage certificate

You must provide a marriage certificate as evidence that the former spouse was married to the member for at least 10 years during which the member performed at least 10 years of creditable military service.

14. CP: No division of retired pay #1

The court order you submitted did not award you any portion of the member's retired/retainer pay as a division of property. Court orders issued prior to June 26, 1981 that did not award a portion of the member's retired/retainer pay as property cannot be honored under the provisions of the USFSPA. Therefore, even if you were now to obtain a court order which amends the original order by awarding you a portion of the member's retired/retainer pay, it would not be enforceable under the USFSPA.

[Overrides other CP reject reason(s). If only CP being processed, override any CV reject reason(s).]

15. CP: No division of retired pay #2

The court order submitted failed to specifically award the former spouse a portion of the member's disposable retired/retainer pay.

16. CP: No jurisdiction

The court order or other court document failed to show that the court had jurisdiction over the member by reason of (a) the member's residence in the territorial jurisdiction of the court other than because of military assignment, (b) the member's domicile in the territorial jurisdiction of the court, or (c) the member's consent to the jurisdiction of the court.

***17. CP: Incomplete formula**

The court order provides for a division of retired/retainer pay by means of a formula wherein the numerator (length of marriage or reserve points earned during the marriage) or percentage multiplier is not specified. You must obtain a certified copy of a clarifying order awarding either a fixed amount or a percentage of the member's retired/retainer pay, or which provides a formula wherein the only missing element is the denominator (member's years of service or total points earned by a reservist).

****18. CP: Invalid hypothetical**

The court order you submitted provides for a division of retired/retainer pay by means of a hypothetical amount of retired pay as of the time of divorce. However, the court order does not provide enough information to calculate the amount of the hypothetical retired pay. You must obtain a certified copy of a clarifying order which awards the former spouse a fixed dollar amount or percentage of the member's actual disposable retired pay. Please see the article on dividing military retired pay on our web site at <http://www.dfas.mil/garnishment/retiredmilitary.html> for examples of acceptable award language.

***19. A: Alimony arrears**

Alimony payments are prospective only, therefore, arrearages cannot be collected under the USFSPA. However, alimony arrearages can be collected pursuant to a garnishment under 42 U.S.C. § 659. See the enclosed factsheet for more information.

20. CS: Children not eligible

The child or children are no longer eligible for support according to the provisions of the court order.