



DISABLED AMERICAN VETERANS

DEPARTMENT OF PENNSYLVANIA

Testimony
July 27, 1998
House Judiciary Committee
House Bill 2265

Good morning, Mr. Chairmen, members of the committee, My name is Kenneth Grunewald. I represent the Membership of the Disabled American Veterans Department of Pennsylvania as their Adjutant. I am present this day to provide direct testimony with reference to HR-2265, which would amend Title 23 of the Pennsylvania Consolidated Statutes, providing for the division of certain military pensions.

The amendment would add, 3509. Division of military pensions.

General rule.— In an action for divorce or annulment, the court may, subject

to the other provisions of this chapter, equitably divide the disposable retired pay of a party who is a member of the United States Armed Forces provided that the parties have been married to each other for at least (10) ten years during which time at least (10) ten years of creditable military service accrued to the member.

This language is somewhat vague in as much as it has not defined a time frame with specific reference to this amendment. I would suggest that the committee establish a date by which the courts may treat disposable

retired pay as property of the member and spouse. (I believe that Title 10 1408 [c] established the effective date as beginning June 25, 1981).

Additionally, the amendment offered dose not set forth percentage limitations. The Title 10 section 1408 [e], however, provides protection for the member by stating “the total amount of the disposal retired pay of the member payable under all court orders pursuant to subsection [c] may not exceed 50 percent of such disposable retired pay”.

The section [c] of the amendment offered provides for a hearing, stating “ A court may not order forfeiture under subsection [b] unless requested by a party and a hearing has been conducted”. My concern is that the amendment simply states, “ that the party that is awarded the award becomes ineligible upon re-marriage, or if not requesting consideration prior to age 60”.

I would offer the suggestion that the amendment be reconstructed, as an absolute statement of fact, on which the documents of the court become the binding on the distribution of property. At the time in which the issue is presented for consideration the court has already qualified the entitlements, based upon full disclosure and review of the documents which support the claim.

With having set forth the concerns, I and the members of the Disabled American Veterans support this amendment, and request that the

committee reviews our remarks prior to seeking full ratification by the Assembly.

**Kenneth A. Grunewald
Dept. Adjutant**