

Tyndall AFB Preventive Law Program Series  
**Legal Assistance Series**

**MILITARY BENEFITS  
TO FORMER SPOUSES**

*This handout contains basic information. If you have specific questions, come in to see a Judge Advocate for legal assistance.*



OFFICE OF  
THE STAFF JUDGE ADVOCATE 325 FW/JA  
TYNDALL AFB, FL 32403



# **UNIFORMED SERVICES FORMER SPOUSES PROTECTION ACT**

## **MILITARY BENEFITS AND PRIVILEGES**

Certain former spouses of members or former members of the armed services of the United States are authorized continuing benefits and privileges under the Uniformed Services Former Spouses Protection Act (USFSPA). Eligible former spouses are divided into four categories in determining the nature and extent of the benefits and privileges to which they are entitled. Via AFI 36-3026, This instruction identifies these categories alphabetically, A through D.

1. Category A consists of UNREMARIED former spouses who were married to a military member or former member for a period of at least 20 years, during which time the member or former member performed at least 20 years of retirement creditable service. This category of former spouse is entitled to a four-year renewable ID card. All benefits and privileges, including the entitlement to an ID card, are forfeited if a former spouse in this category remarries. However, the ID card, benefits and privileges may be reinstated if the former spouse subsequently becomes unmarried (see Category D and the Entitlements By Category chart below).

2. Category B consists of UNREMARIED former spouses who were married to a member or former member for a period of at least 20 years, during which time the member or former member performed at least 15 years, but less than 20 years, of retirement creditable service where the final decree of divorce, dissolution of marriage, or annulment was issued before April 1, 1985. This category of former spouse is entitled to a four-year renewable ID card for continuing medical benefits only. These entitlements are permanently forfeited if a former spouse in this category remarries.

3. Category C consists of UNREMARIED former spouses who were married to a member or former member for a period of at least 20 years, during which time the member or former member performed at least 15 years, but less than 20 years, of retirement creditable service where the final decree of divorce, dissolution of marriage, or annulment was issued on or after September 29, 1988. This category of former spouse is entitled to an ID card for medical benefits only for one year from the date of the divorce. These entitlements are permanently forfeited if a former spouse in this category remarries.

4. Category D consists of UNMARRIED former spouses whose marriage to a member or former member lasted at least 20 years, during which time the member or former member performed at least 20 years of retirement creditable service. This category of former spouse remarried after divorcing the member or former member but is currently no longer married due to the death of his or her subsequent spouse, divorce, dissolution of marriage or annulment.

## ENTITLEMENTS BY CATEGORY

	<b>MEDICAL</b>	<b>TRICARE</b>	<b>COMMISSARY</b>	<b>BX</b>	<b>THEATER</b>	<b>LEGAL ASSISTANCE</b>
A	Note 1	Notes 1,2	Yes	Yes	Yes	Yes
B	Note 1	Notes 1,2	No	No	No	No
C	Note 1	Notes 1,2	No	No	No	No
D	No	No	Yes	Yes	Yes	Yes

### NOTES:

1. YES if the former spouse certifies in writing that he or she does not have medical coverage under an employer-sponsored health plan. Entitlements of Category C former spouses shall exist for only 1 year from the date of the divorce, dissolution of marriage, or annulment.
2. YES unless the former spouse is (a) entitled to Medicare, Part A or (b) is under 65 years of age, entitled to Medicare, Part A, and not enrolled in Medicare, Part B. Entitlements of Category C former spouses shall exist for only 1 year from the date of the divorce, dissolution of marriage, or annulment.

### WIDOWS AND WIDOWERS

Widows and widowers of members who served on active duty at least 31 days, and of military retirees, are entitled to an ID card, medical benefits, legal assistance, and use of the commissary, base exchange and base theater. They also may be enrolled in Tricare, unless the widow/widower is (a) entitled to Medicare, Part A or (b) is under 65 years of age, entitled to Medicare, Part A and not enrolled in Medicare, Part B.

### ADDITIONAL CONSIDERATIONS

1. Former spouses who were married to members or former members for a period of at least 20 years, during which time the member or former member performed at least 15 years, but less than 20 years, of retirement creditable service where the final decree of divorce, dissolution of marriage, or annulment was issued on or after April 1, 1985 and before September 29, 1988 are no longer eligible for an ID card or benefits or privileges through the armed services. The USFSPA had authorized ID cards, benefits and privileges for this category for 2 years from the date of divorce or until December 31, 1988, whichever was later. This time period has expired.
2. Former spouses who do not qualify for medical and CHAMPUS benefits may be eligible to purchase, as of October 1, 1994, continued health benefits coverage under a plan implemented by the Office of the Secretary of Defense. The coverage provided would be comparable to that afforded to former civilian employees of the federal government. Consult the base Military Personnel Flight, Customer Service Section for further information