

INFORMATION PAPER

Subject: Determination of Continued DEERS Enrollment Eligibility for Certain Unremarried Former Spouses of Military Members

Purpose: To identify the requirements for continued post-divorce DEERS enrollment for qualifying unremarried former spouses of current or retired servicemembers, including those servicemembers with a mix of reserve and active duty time.

1. Criteria: The eligibility of former spouses of retired servicemembers for DEERS enrollment following a divorce is governed by 10 USC 1072 and Air Force Instruction 36-3026, a joint publication which applies to all branches of the military.

2. Calculating Eligibility: The references collectively provide that former spouses of servicemembers who have been married for at least 20 years, to servicemembers that have at least 20 years of military service credited to retirement, and at least 20 years of overlap between the term of the marriage and the credited military service (the “20/20/20 rule”), are entitled to continued DEERS enrollment for as long as the former spouses are unmarried and not covered under an employer-sponsored health care plan.

3. This standard applies to both active duty and reserve cases. Where there is a mix of reserve and active duty time, every full year spent on active duty status counts as one credible year, and every year in which the reservist earns at least 50 points counts as a credible year for retirement. Thus, if a Soldier was on active duty for four years and then earned at least 50 reserve retirement points each year for the next 16 years, he would be eligible for reserve military retirement. So long as there is a 20 year overlap of marriage and this credible service, the former spouse will be eligible for DEERS enrollment following a divorce.

4. Benefits from DEERS Enrollment: Qualifying spouses receive health care, commissary, PX and legal assistance benefits just as their retired servicemember former spouses receive. For retirees receiving an active-duty pension, these benefits confer immediately upon divorce. A former spouse of a Reserve servicemember who has met the 20/20/20 requirements will be eligible for commissary, Post Exchange, and Morale, Welfare, & Recreation services immediately upon divorce.¹ However, a former spouse will only receive TRICARE benefits once the retired Reserve servicemember is or would have been eligible to receive those same benefits. Thus, a former spouse of a reserve retiree will only become eligible for medical benefits once their former servicemember spouse reaches or would have reached the age of 60, or perhaps younger if the member qualifies for early receipt of retired pay.²

5. How to Apply: A former spouse will have to complete an initial verification before receiving military benefits. They must do so with the parent branch of service. They will need to provide:

¹ Such spouses will receive a DD Form 1173-1 Identification Card, also known as a “Red ID Card.”

² At this point, the former spouse will receive a DD Form 2765 Identification Card, also known as a “Tan ID Card.”

a marriage certificate, a divorce decree, and a statement of service or a complete set of DD Forms 214. The initial verification process is service-specific, as outlined in Table 1, below.

Table 1: Where to Accomplish Initial Application	
Uniformed Service	Location
Army	The nearest Army ID Card issuing facility
Navy	Mail Documents to: Bureau of Naval Personnel, 5720 Integrity Drive, Millington TN 38055-6730 ³
Air Force	Nearest Air Force ID Card issuing facility
Marine Corps	Mail Documents to: Headquarters U.S. Marine Corps, 3280 Russell Road, Quantico, VA 22134-5103 ⁴
Coast Guard	Mail Documents to: Personnel Service Center, 444 S.E. Quincy Street, Topeka, KN 66683-3591 ⁵

6. Note that once the former spouse remarries, DEERS enrollment and the corresponding benefits are forever terminated, even if that subsequent marriage ends in death or divorce. Also, if the former spouse is covered under an employer-sponsored health plan, DEERS enrollment is not available. See 10 USC 1072(2)(F).

7. For more information about this topic, call the DEERS information line at 1(800) 538-9552 or contact your local legal assistance office.

³ Documents needed to be mailed to Navy Personnel Center: 1) Original or State certified copy of marriage certificate; 2) Court certified copy of divorce decree; 3) Spousal ID Card (if already surrendered, provide a statement where and when); 4) Former spouse statement, completed and notarized (found as Attachment 17 to AFI 36-3026).

⁴ Same documents as required by the Navy above need to be mailed to Headquarters, U.S. Marine Corps

⁵ Documents needed to be mailed to Coast Guard Personnel Center: 1) Original or stated certified copy of marriage certificate; 2) Court certified copy of divorce decree; 3) Certificate from the SSA certifying the former spouse's eligibility for Medicare Part A (required if age 65 or older or disabled); 4) Coast Guard Statement of Formers spouse (CG PSC 2020C); Spouse's ID Card (If already surrendered, state where and when)