

MILITARY SPOUSAL BENEFITS

Service members receive only approximately 30% of their total compensation in the form of base pay. The remaining 70% of their compensation package comes in the form of allowances, in-kind benefits, and—in the case of retirees—deferred compensation. For service members who are married (or who have another qualified dependent), many of these allowances and benefits are increased, to account for the reality that the service member is providing for a family, instead of an individual. These increases are generous and reflect the unique strains and challenges placed on a family with a member serving in the military.

Who is a military spouse?

For the active military, reserves, and National Guards, by statute a “spouse” is “a husband or wife as the case may be.” Then-Secretary of Defense Panetta said in a memo on February 11, 2013, that:

In the event that the Defense of Marriage Act is no longer applicable to the Department of Defense, it will be the policy of the Department to construe the words “spouse” and “marriage” without regard to sexual orientation, and married couples, irrespective of sexual orientation, and their dependents, will be granted full military benefits.

www.defense.gov/news/Same-SexBenefitsMemo.pdf

With the Supreme Court striking down DOMA as unconstitutional, it no longer applies to the Department of Defense (DOD) and we can expect the DOD to issue a formal statement that it will construe the statute definition of spouse to be inclusive, as laid out in Secretary Panetta’s statement.

Which marriages does the military consider valid?

Generally, the military will consider a marriage valid if it was valid in the state where the marriage took place. A state-issued marriage certificate is normally all the evidence necessary to demonstrate that the marriage was considered valid by the state.

Marriages entered into in foreign countries to foreign nationals generally must be approved by the military service beforehand. If such a marriage is not approved beforehand, the service member must obtain a “recognition of marriage” from the military service. In

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[What happens if I move from a marriage state to a non-marriage state \(or overseas\)?](#)

Because the military determines a marriage to be valid based on the law of the state where the marriage took place, it should not matter what state you lived in when you married, what state you move to after you marry, or where you are stationed around the world. Once your spouse is recognized by the military as your spouse, the laws of the state in which you live no longer play a role in whether you remain eligible for spousal benefits from the military.

[How do I register for spousal benefits?](#)

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