

SUMMARY STATEMENT

Bromund v. Bromund

Docket No. 47602

In an appeal from the Ada County district court, Kurt Bromund challenged the district court's decision on intermediate appeal affirming the magistrate court's order clarifying the division of Bromund's military retirement benefit. Following his retirement in April 2018, Bromund moved the magistrate court to clarify the portion of his military retirement benefit subject to division with Kristina Henrickson, his former spouse. The magistrate court ruled that the parties' 2008 divorce decree controlled and the total benefit amount at the time of Bromund's actual retirement was subject to division. Bromund appealed to the district court, which affirmed, ruling that a 2017 amendment to 10 U.S.C. section 1408—which controls the ability of states to divide military retirement benefits and measures the divisible amount of the retirement benefit as of the date of divorce—did not apply retroactively.

The Idaho Supreme Court affirmed the decision of the district court sitting in its appellate capacity. The Court concluded that the parties' 2008 divorce decree was the controlling document in the case for application of 10 U.S.C. section 1408. The Court held that the 2017 amendment to section 1408 did not apply retroactively. Accordingly, since the 2008 divorce decree predated the amendment, the language in that decree providing for the division of the total amount of Bromund's military retirement benefit as of the date of retirement controlled.

This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.