

BOISE, THURSDAY, NOVEMBER 12, 2020 AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

KRISTINA BROMUND,)
nka KRISTINA HENRICKSON,)
)
Petitioner-Respondent,)
)
v.)
)
KURT E. BROMUND,)
)
Respondent-Appellant.)

Docket No. 47602

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Gerald F. Schroeder, District Judge.

Boise Law Group, PLLC, Boise, for Appellant.

Dinius & Associates, PLLC, Nampa, for Respondent.

This appeal concerns what amount of a former spouse’s military retirement benefit is subject to division following divorce. Specifically, whether a 2017 amendment 10 U.S.C. section 1408 (“the 2017 amendment”) applies to a division of retirement benefits which was entered as part of a 2008 divorce decree but not calculated until the service member’s retirement in 2018.

Following his retirement in April 2018, Kurt Bromund moved an Ada County 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 retirement benefit subject to division was the total amount at the time of Bromund’s actual retirement. On appeal, the district court affirmed, ruling that the 2017 amendment—which measures the divisible amount of retirement benefits as of the date of divorce—did not apply retroactively.

Bromund timely appealed, arguing that (1) the divisibility of military retirement benefits is controlled by federal law; (2) the 2017 amendment applies to final property settlement orders, not final divorce decrees; and (3) the final property settlement order in this case was entered after the 2017 amendment.