

Deployment Marriage for Profit...

Caution! Don't fall into this trap!!



by CPT Carl Hill

Money-making schemes abound. In every circle there is a story brewing about how to acquire easy money. A popular one among troops scheduled for deployment is convenience marriage with a profit motive. The scheme is to marry shortly prior to deployment in order to qualify for extra pay and benefits. Since no one is home during the deployment, it does not change anyone's lifestyle, it only increases the amount of take home pay. Simply get a marriage license before deploying and divorce upon return from combat . . . at least that is how the idea is presented. It is surprising how many Soldiers fall into this trap.

For the moment, let's overlook the obvious moral issue of entering into a sham marriage. Let's skip past the legal risk of perpetrating a fraud against the government with an insincere marriage for monetary gain. Let's look at the risks and personal costs to Soldiers who take this path. I have recently returned from Iraq. As a Brigade Judge Advocate, I saw several Soldiers who fell into this trap. I would like for you to hear how the marriage for profit plan worked out for them. Their names and identifying details have been changed to preserve confidentiality.

Brad had just turned 19 when this idea was presented to him: get married, increase your income, and divorce when you return from deployment. Because of a shortage of housing, Brad would qualify for off post housing if he married. What could go wrong? Brad heard about this plan from Jasmine, who was employed at an "entertainment establishment" near post. Jasmine and Brad agreed to get married and establish a residence off post. Jasmine would maintain the house and attend to Brad's belongings and matters at home while Brad deployed to a forward operating base for 15 months. Brad believed he was shrewd. He did not leave Jasmine with a general power of attorney. At least Brad had that much going for him, but he still took a lot on faith when he entered this arrangement with Jasmine. The lease on the house and the associated accounts (electricity, telephone, water, and sewage, etc.) were in both of their names. Brad's personal belongings were stored at the off post residence. Because he left his pickup truck at the house, Brad left a special power of attorney with Jasmine granting her use and control over his vehicle. Brad deployed, making more money than ever, and now it was going to be untaxed income.

Brad's first visit to the legal desk on the FOB was a few months later. He did not understand why he was being forwarded unpaid utility bills and telephone bills when he was leaving money with Jasmine to handle that. A few weeks later, Brad returned to the legal desk with a claim for damages to the house he was renting. On his next visit, Brad brought a notice from the sheriff's department. The house Brad was renting was being used to produce and market methamphetamines. I hope that your knowledge of methamphetamines is limited, and you are just now learning that producing meth contaminates and virtually destroys a house.

With information from the sheriff's department, neighbors, and Jasmine's former employer, we learned what had happened at the happy home of Brad and Jasmine's convenience marriage. When Brad deployed, Jasmine's siblings moved into the house with her. The house was the scene of noisy parties that prompted neighbors to summon deputy sheriffs on several occasions. The house and yard were badly damaged. When Brad returned from his deployment, only some of his personal belongings remained. The rest of his property probably vanished in the back of his pickup truck that also was missing. How did Jasmine account for this? She did not. She disappeared shortly before the sheriff's department raided the house, arrested the occupants, and shut down the meth operation. Jasmine was gone, as was Brad's property, but the financial liability remained . . . with Brad.

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Tina and Robert were both Soldiers in the same battalion. They were both scheduled for the same deployment. They were friends, but not in love. Tina and Robert discussed the possibility of obtaining added benefits by marrying strictly for the duration of the deployment. They were not intimate with each other. They did not cohabitate. They did not purchase, lease, or borrow anything jointly. They did not exchange powers of attorney nor include each other in their respective wills. With this very simple relationship, unencumbered by joint financial entanglements, their story should be nothing like Jasmine and Brad's story, right? That much is correct. Tina and Robert's story was very different. They got through the deployment with no visible troubles. Although he had recently been selected for promotion to E-6, Robert had seen all of Army life that he wanted. Through stop loss measures, Robert had been compelled to deploy with the battalion. Immediately upon his redeployment, Robert out-processed and left the Army. He went to Los Angeles and moved in with his boyfriend. No, that is not a typographical error. Robert moved in with his boyfriend. He then wrote to his battalion and proudly announced his homosexuality. He further described his personal story. What about the amicable divorce with Tina? It seems that Robert was in too much of a hurry to get on with his Los Angeles plans to bother with proper divorce proceedings. Tina was left with the burden of filing for divorce in embarrassing circumstances which Robert announced to the battalion. She also had to explain herself and her sham marriage to the commander, exposing herself to potential disciplinary action.

If these stories are not enough to convince you that the marriage for additional pay is a bad idea, there are other possibilities that you should consider. Divorce is by nature an adversarial process. While a Soldier may think that nothing can go wrong, a divorce tends to make people fight for whatever they can get from the other party. Depending upon which state law governs the marriage, property rights can attach even in a short term marriage. Do you want to risk losing half of your belongings to someone you never truly intended to be your spouse in the traditional sense? Have you calculated the cost of divorce proceedings? It can get very expensive, particularly if the parting couple disagrees on terms of the divorce. A divorce can also take a very long time to finalize. You might plan on being free of all entanglements within days of your return from combat, but divorce decrees are not available at a fast food drive through window. Do you want to pay financial support to your spouse during separation in accordance with Army Regulation 608-99? Property that is acquired during the marriage is jointly held. If you return from deployment and make a major purchase (automobile, motorcycle, etc.) before your divorce is finalized, your spouse has an interest in that new property. Is that the kind of monetary gain you had in mind? What if you are intimate with your temporary spouse and an unexpected child results? That incurs a lasting obligation of parenthood.

There are many moral, legal, financial, and personal reasons to marry only for the right purposes. The idea of getting a little extra money is significantly outweighed by the risks that come with an insincere marriage. I wish the two stories previously mentioned were the only tales of the plan gone bad, but there are more . . . too many more. Don't fall into this trap!



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