

## **APPENDIX**

**APPENDIX**  
**TABLE OF CONTENTS**

Appendix A	Opinion in the District Court of Appeal of the State of Florida Fifth District (February 22, 2022) . . . . .	App. 1
Appendix B	Supplemental Final Judgment of Dissolution of Marriage in the Circuit Court of the Eighteenth Judicial Circuit in and for Brevard County, Florida (December 16, 2020) . . . . .	App. 3
Appendix C	Medical Board Report (January 10, 2022) . . . . .	App. 9
Appendix D	Certificate of Release or Discharge from Active Duty (November 24, 2020) . . . . .	App. 10
Appendix E	Letter from Defense Finance and Accounting Service dated February 14, 2018 (November 24, 2020) . . . . .	App. 11
Appendix F	Letter from Defense Finance and Accounting Service dated October 5, 2017 (November 24, 2020) . . . . .	App. 17
Appendix G	Transcript Excerpt (November 24, 2020) . . . . .	App. 19

Appendix H Transcript Excerpt, Hearing Before  
Judge Roberts in the Circuit Court of  
the Eighteenth Judicial Circuit in and  
for Brevard County, Florida  
(January 16, 2021) . . . . . App. 21

Appendix I Special Order in the Department of  
the Air Force Washington DC 20330-  
5026 dated May 26, 2010  
(November 24, 2020). . . . . App. 31

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## APPENDIX A

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**IN THE DISTRICT COURT OF APPEAL OF  
THE STATE OF FLORIDA  
FIFTH DISTRICT**

**Case No. 5D21-193  
LT Case No. 2017-DR-22905**

**[Filed: February 22, 2022]**

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

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PRESTON L. DRANE,	)
	)
Appellant,	)
	)
v.	)
	)
STEPHANIA DRANE,	)
	)
Appellee.	)
	)

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Decision filed February 22, 2022

Appeal from the Circuit Court for Brevard County,  
Charles J. Roberts, Judge.

Andrew B. Greenlee, of Andrew B. Greenlee, P.A.,  
Sanford, for Appellant.

App. 2

John N. Bogdanoff, of The Carlyle Appellate Law Firm,  
Orlando, for Appellee.

PER CURIAM.

AFFIRMED.

LAMBERT, C.J., WALLIS and EISNAUGLE, JJ.,  
concur.

## APPENDIX B

IN THE CIRCUIT COURT OF THE  
EIGHTEENTH JUDICIAL CIRCUIT  
IN AND FOR BREVARD COUNTY, FLORIDA

**CASE NO. 05-2017-DR-022905-XXXX-XX**

[Filed: December 16, 2020]

IN RE: THE MARRIAGE OF )  
PRESTON DRANE, )  
Petitioner, )  
and )  
STEPHANIA DRANE, )  
Respondent. )

**SUPPLEMENTAL FINAL JUDGMENT OF  
DISSOLUTION OF MARRIAGE**

1. This Court entered a Final Judgment of Dissolution of Marriage on February 21, 2020, that reserved on the valuation and distribution of each party's retirement.
2. The Court held a hearing on all issues related to the parties' respective retirement pay and pensions on November 24, 2020. Present before the Court, *via Microsoft Teams*, at this hearing was the Former Wife and her attorney Maria Henderson and the

## App. 4

Former Husband and his attorney, Jane Carey.

3. At this hearing, the Court heard testimony from both parties. The Court also heard testimony from the Former Wife's expert, Timothy Voit. Although the Former Husband testified as a fact witness, the Court allowed him to offer an opinion as the Court found he had unique experience in the area of military retirement pay. The Court also finds that a witness can offer an opinion as to the value of his or her own property.
4. After hearing testimony of all the witnesses, reviewing all the evidence introduced at the hearing, hearing the oral argument of the Former Wife's counsel and reviewing the written argument of the Former Husband's counsel, the Court accepts the opinion of the Former Wife's expert, Timonthy Voit, in regards to both parties' retirement pay.
5. As for the Former Husband's retirement pay, the Court finds that it is retirement pay and that the portion accrued during the marriage is subject to equitable distribution.
6. The Former Husband has 23 years of military service. The parties were married for 9.22 years of the time in which the Former Husband was in the military. Having accrued over 20 years of full-time active military service, the Former Husband

## App. 5

accrued sufficient years to retire with full, unreduced benefits.

7. The Former Husband's plan has a cost-of-living-adjustment (COLA) indexed to the Consumer Price Index (CPI). The Former Wife shall be entitled to one-half of the marital portion of the Former Husband's retirement pay, along with any cost-of-living-adjustments (COLA).
8. The Former Wife may have a Military Order prepared to obtain her portion of the Former Husband's retirement pay. The Former Wife shall bear the initial cost of this. If DFAS accepts the Order, the Former Husband shall reimburse one half of the cost of the preparation of the Military Order to the Former Wife within 14 (14) days of DFAS accepting the Order. If DFAS does not accept the Military Order, the Former Husband does not have to reimburse the preparation cost, but shall continue to pay the Former Wife directly.
9. The Former Husband is currently receiving \$2,185.00, of which the Former Wife's portion is \$437.95. Absent a Military Order, the Former Husband shall pay this amount directly to the Former Wife. The after-tax amount that the Former Husband shall pay directly to the Former Wife is \$415.82 per month. The Former Husband shall remit payment to the Former Wife within 48 hours of receiving the payment. This payment shall

## App. 6

commence upon the Former Husband receiving his next payment and shall continue each and every month thereafter. The Former Husband shall include the Former Wife's share of any COLA increase that is received in the future.

- 10.** The Court finds that the Former Husband has been receiving the entire retirement pay since the filing of this case on April 10, 2017. The Former Husband owes forty-four (44) months of retroactive payments to the Former Wife in the total amount of \$19,269.80. Commencing with his next payment, the Former Husband shall repay this amount at the rate of \$200.00 per month, continuing each and every month thereafter until paid in full. Once the Former Husband's child support obligation terminates, the Former Husband shall continue to make payments to the Former Wife in the amount of \$315.75, which shall be applied to the retroactive amount due, in addition to the \$200.00.
- 11.** The Former Husband shall name the Former Wife as the beneficiary of this plan and shall cooperate in electing Survivor Benefits on behalf of the Former Wife.
- 12.** The Court finds that the Former Wife has a pension through the Federal government. The Former Wife was in the military from 1996 to 2008. Upon leaving the military, the Former Wife did not have any retirement.

## App. 7

The Former Wife gained employment with the Federal government in 2010. The Former wife “bought-back” or purchased military time after the filing of dissolution and using non-marital funds. The Court finds that the years purchased following the filing of this case with non-marital funds to be non-marital.

13. The marital portion of the Former Wife’s pension is 7.23 years.
14. The Former Husband shall be entitled to \$130.15 per month of the Former Wife’s pension upon her retirement and drawing of the pension. The Former Husband shall be entitled to cost-of-living-adjustments (COLA) on his share of the pension, if any are received. The Former Wife shall notify the Former Husband thirty (30) days prior to her planned retirement. If the Former Husband is paying the Former Wife directly at that time, he shall be entitled to offset his share of the Former Wife’s pension from the amount of the Former Wife’s share of his retirement pay that he is paying. If the Former Wife’s share of the former Husband’s retirement pay is being paid by military order, the parties shall submit an Amended Military Order or in the alternative, the former Wife shall remit the Former Husband’s share directly to the Former Husband.

App. 8

15. The Court retains jurisdiction over the parties and subject matter for all lawful purposes.
16. All previous Orders not modified herein remain in full force and effect.

**DONE AND ORDERED** this 16<sup>th</sup> day of December, 2020 at the Morre Justice Center, Viera, Florida.

/s/ Charles Roberts  
Honorable Charles Roberts

cc Maria Henderson, Attorney for the Former Wife  
cc Jane Carey, Attorney for the Former Husband

App. 9

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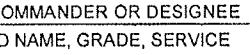
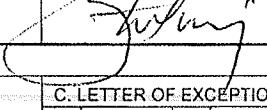
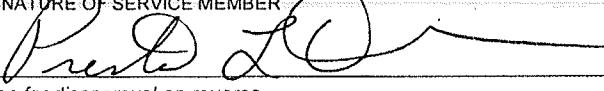
**APPENDIX C**

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**MEDICAL BOARD REPORT**

**[Dated: January 10, 2022]**

*[See Fold-Out Exhibit]*

MEDICAL BOARD REPORT (This form is subject to the Privacy Act of 1974 - Use Blanket PAS - DD Form 2005)				1. INSTALLATION AT WHICH CONVENED 375th MDG SCOTT AFB IL 62225				2. DATE CONVENED 22 Jan 10						
3. NAME (Last, First, Middle Initial) DRANE, PRESTON L.				4. GRADE MSGT		5. SSN [REDACTED]		6. COMPONENT REG						
7. DEPT OR SERVICE USAF		8. ORGANIZATION 375 MDSS/SGSOP			9. SEX M		10. DATE OF BIRTH (Yr, Mo, day) 19680831		11. AGE 41					
12. SEPARATION/ RETIREMENT DATE 20101009	13. HOSPITAL INITIALLY ADMITTED N/A		14. TRANSFERRED FROM N/A			15. HOME ADDRESS 4108 BASSEN DRIVE SWANSEA IL 62226								
16. MILITARY OCCUPATIONAL SPECIALTIES			17. TOTAL YEARS MILITARY SERVICE		18. DATE ENTERED AD CURRENT TOUR 19870902									
TITLE Flight Chief Command Support Staff		CODE 4A071		ACTIVE 22	INACTIVE	19. AERO RATING			20. ON FLYING STATUS ON ADMISSION			YES	NO	
										21. DATE RELIEVED FROM FLYING STATUS				
22. BY DIRECTION OF THE APPOINTING AUTHORITY, THE BOARD CONVENED TO CONSIDER THE CASE OF THE ABOVE NAMED MEMBER.														
A. UNDER PROVISIONS OF THE FOLLOWING DIRECTIVES:				B. FOR THE PURPOSE OF:										
<input checked="" type="checkbox"/> AFI 44-113 AND 48-123		MANUAL FOR COURTS-MARTIAL		<input checked="" type="checkbox"/> CONTINUED ACTIVE DUTY		EPTS DEFECTS								
<input checked="" type="checkbox"/> OTHER (Specify) API 36-3212				SEPARATION/RETIREMENT		OTHER (Specify)								
23. DIAGNOSIS AND FINDINGS														
AFTER CONSIDERATION OF CLINICAL RECORDS, LABORATORY FINDINGS, AND PHYSICAL EXAMINATION, THE BOARD ESTABLISHES THE FOLLOWING DIAGNOSIS: (List all diagnoses, in accordance with applicable directives, which contribute or may contribute to make the qualifications of the individual for worldwide duty questionable. Include any competency determinations. (DFAS-DE MANUAL 177-173).						APPROXIMATE DATE OF ORIGIN		INCURRED WHILE ENTITLED TO BASIC PAY		EXISTED PRIOR TO SERVICE		PERMANENTLY AGGRAVATED BY SERVICE		
A								YES C	NO D	YES E	NO F	YES G	NO H	
B														
Diabetes Mellitus Sep 2009 Obstructive Sleep apnea treated with CPAP Jul 2009 Chronic back pain (2008) s/p laminotomy, foramenotomy, discectomy 5 Sep 08 and L5-S1 PLIF 21 Jul 2009 Coronary Artery Disease with angina Jan 2008						Sep 2009		X		X		X		
								X		X		X		
ADMIN LOD - YES/DLC FORM 469/WWQ - NO														
24. SANITY DETERMINATION (To be completed for sanity board cases only.) (Manual for Courts-Martial)												YES	NO	
A. IS THIS A DISEASE OR DEFECT OF THE MIND AS DISTINGUISHED FROM A CHARACTER DEFECT?												<input type="checkbox"/>	<input type="checkbox"/>	
B. DID THE ACCUSED, AT THE TIME OF THE ALLEGED OFFENSE AND AS A RESULT OF MENTAL DISEASE OR DEFECT, LACK SUBSTANTIAL CAPACITY TO APPRECIATE THE CRIMINALITY OF THIS CONDUCT?												<input type="checkbox"/>	<input type="checkbox"/>	
C. DID THE ACCUSED, AT THE TIME OF THE ALLEGED OFFENSE AND AS A RESULT OF MENTAL DISEASE OR DEFECT, LACK SUBSTANTIAL CAPACITY TO CONFORM HIS/HER CONDUCT TO THE REQUIREMENTS OF THE LAW?												<input type="checkbox"/>	<input type="checkbox"/>	
D. DID THE ACCUSED HAVE THE MENTAL CAPACITY TO FORM THE SPECIFIC INTENT OR REQUIRED STATE OF MIND?												<input type="checkbox"/>	<input type="checkbox"/>	
25. ACTION RECOMMENDED BY BOARD (or directed by higher authority)														
REFER TO IPEB// <del>RECOMMENDATION</del>														
26. BOARD MEMBERS														
TYPED NAME, GRADE, ARM OF SERVICE				SIGNATURE (Place check after signature of psychiatrist)				27. MINORITY REPORT ON REVERSE						
PRESIDENT ROBERT KENT, LT COL, USAF, MC, SFS								<input type="checkbox"/>						
MEMBER KATHLEEN ANKERS, COL, USAF, MC, FS								<input type="checkbox"/>						
MEMBER ADRIAN BARCUS, MAJ, USAF, MC								<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO						
28. HOSPITAL COMMANDER OR DESIGNEE														
A. DATE REVIEWED 20100122		B. BOARD RECOMMENDATION 1 <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED		C. TYPED NAME, GRADE, SERVICE JILL S. STERLING, Col, USAF, MC, FS Commander		D. SIGNATURE 								
29. I HAVE BEEN INFORMED OF THE FINDINGS AND RECOMMENDATIONS OF THE MEDICAL BOARD.														
A. DATE 20100125		B. SIGNATURE OF SERVICE MEMBER 		C. LETTER OF EXCEPTION ATTACHED										
						<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	N/A			
1If, applicable indicate reason for disapproval on reverse.														

X	INFORMAL	FINDINGS AND RECOMMENDED DISPOSITION OF USAF PHYSICAL EVALUATION BOARD						DATE		
	FORMAL									
1. THE BOARD CONVENED AT Randolph AFB TX 78150-4708			PER ATTACHED ORDERS (EXHIBIT A)							
2. A QUORUM WAS PRESENT AS INDICATED ON EXHIBIT A			3. EXHIBITS ATTACHED: A, B,							
4. MEMBER'S NAME (Last, First, Middle Initial)		5. GRADE	6. SSN	7. YEARS OF SERVICE UNDER 10 USC 1208		8. COMPONENT				
DRANE, PRESTON L.		MSgt	[REDACTED]	22		X	REG AF			
							USAFR			
							ANG			
9. FINDINGS CONCERNING INDIVIDUAL DEFECTS OR CONDITIONS								VA DIAGNOSTIC CODE		
COLUMN A - Include degree of severity.										
COLUMN C - Enter "YES" for in line of duty, "M" for intentional misconduct, "N" for willful neglect, "A" for incurred during a period of unauthorized absence, or "NA".										
COLUMNS B and D - Enter "YES", "NO", or "NA".										
COLUMNS E and F - Self-explanatory.										
A. DIAGNOSIS				B.	C.	D.	E.	F.		
CATEGORY I - UNFITTING CONDITIONS WHICH ARE COMPENSABLE AND RATABLE: Degenerative Disc Disease, Status-Post Surgery x 2				YES	YES	N/A	40	5242 S2410		
CATEGORY II - CONDITIONS THAT CAN BE UNFITTING BUT ARE NOT CURRENTLY COMPENSABLE OR RATABLE: 1. Obstructive Sleep Apnea 2. Diabetes Mellitus Type II 3. Coronary Artery Disease								6847 7913 7005		
CATEGORY III - CONDITIONS THAT ARE NOT SEPARATELY UNFITTING AND NOT COMPENSABLE OR RATABLE: NONE										
10. ADDITIONAL FINDINGS								YES	NO	NA
A. MEMBER IS UNFIT BECAUSE OF PHYSICAL DISABILITY								X		
B. DISABILITY WAS INCURRED IN LINE OF DUTY IN TIME OF WAR OR NATIONAL EMERGENCY OR AFTER 14 SEPTEMBER 1978								X		
C. DISABILITY WAS THE DIRECT RESULT OF ARMED CONFLICT OR WAS CAUSED BY AN INSTRUMENTALITY OF WAR AND INCURRED IN LINE OF DUTY DURING A PERIOD OF WAR								X		
D. DISABILITY WAS THE DIRECT RESULT OF A COMBAT RELATED INJURY								X		
E. DEGREE OF IMPAIRMENT		X	IS	MAY BE PERMANENT						
11. COMPENSABLE PERCENTAGE			40	12. RECOMMENDED DISPOSITION						
				Permanent Retirement						
13. OVERCOMES PRESUMPTION OF FITNESS				14. SIGNATURE OF PEB PRESIDENT OR PEB REPRESENTATIVE //SIGNED//						
YES NO X NA				JAMES D. WAGGLE, DAFC						
15. REMARKS MSgt Drane has back pain from degenerative disc disease, status post surgery twice which prevents him from reasonably performing the duties of his office, grade, rank, or rating. He has profile restrictions of no working more than 6-7 hours per day, sitting more than 45 minutes, standing more than 60 minutes at a time and no running which prevents deployment. The Obstructive Sleep Apnea is controlled with CPAP which does not prevent deployment. The Diabetes Mellitus is well controlled with an A1C of 6.3%. The Member has Coronary Artery Disease with stable angina that does not prevent him from performing his duties. The Informal Physical Evaluation Board finds the member unfit and recommends permanent retirement with a disability rating of 40% IAW Department of Defense guidance for applying the Veterans Administration Schedule for Rating Disabilities guidelines.										
CLINICS FOR TDRL EVALUATIONS										
N/A										

App. 10

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**APPENDIX D**

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**CERTIFICATE OF RELEASE OR DISCHARGE  
FROM ACTIVE DUTY**

**[Filed: November 24, 2020]**

*[See Fold-Out Exhibit]*

**CAUTION: NOT TO BE USED FOR  
IDENTIFICATION PURPOSES**

THIS IS AN IMPORTANT RECORD.  
SAFEGUARD IT.

ANY ALTERATIONS IN SHADED AREAS  
RENDER FORM VOID

**CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY**

1. NAME (Last, First, Middle) DRANE PRESTON LAMARR		2. DEPARTMENT, COMPONENT AND BRANCH AIR FORCE--REGAF		3. SOCIAL SECURITY NUMBER [REDACTED]																																					
4a. GRADE, RATE OR RANK MSG	5. PAY GRADE E7	6. DATE OF BIRTH (YYYY/MM/DD) 19680831	7. RESERVE OBLIGATION TERMINATION DATE (YYYY/MM/DD) N/A																																						
7a. PLACE OF ENTRY INTO ACTIVE DUTY CINCINNATI OH		8. HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known) DAYTON OH																																							
8a. LAST DUTY ASSIGNMENT AND MAJOR COMMAND 375 MEDICAL SUPPORT SQ (AMC)		b. STATION WHERE SEPARATED RANDOLPH AFB TX		10. SGLI COVERAGE AMOUNT: \$400,000 <input type="checkbox"/> NONE																																					
9. COMMAND TO WHICH TRANSFERRED N/A																																									
11. PRIMARY SPECIALTY (List number, title and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.) 4A071, HEALTH SERVICE MGT CRAFTSMAN, 19 YEARS AND 5 MONTHS; 3P051, SECURITY FORCES, 3 YEARS AND 5 MONTHS		<table border="1"> <tr> <td>12. RECORD OF SERVICE</td> <td>YEAR(S)</td> <td>MONTHS(S)</td> <td>DAY(S)</td> </tr> <tr> <td>a. DATE ENTERED AD THIS PERIOD</td> <td>1987</td> <td>SEP</td> <td>02</td> </tr> <tr> <td>b. SEPARATION DATE THIS PERIOD</td> <td>2010</td> <td>SEP</td> <td>03</td> </tr> <tr> <td>c. NET ACTIVE SERVICE THIS PERIOD</td> <td>23</td> <td>00</td> <td>02</td> </tr> <tr> <td>d. TOTAL PRIOR ACTIVE SERVICE</td> <td>00</td> <td>00</td> <td>00</td> </tr> <tr> <td>e. TOTAL PRIOR INACTIVE SERVICE</td> <td>00</td> <td>00</td> <td>01</td> </tr> <tr> <td>f. FOREIGN SERVICE</td> <td>00</td> <td>00</td> <td>00</td> </tr> <tr> <td>g. SEA SERVICE</td> <td>00</td> <td>00</td> <td>00</td> </tr> <tr> <td>h. EFFECTIVE DATE OF PAY GRADE</td> <td>2006</td> <td>FEB</td> <td>01</td> </tr> </table>				12. RECORD OF SERVICE	YEAR(S)	MONTHS(S)	DAY(S)	a. DATE ENTERED AD THIS PERIOD	1987	SEP	02	b. SEPARATION DATE THIS PERIOD	2010	SEP	03	c. NET ACTIVE SERVICE THIS PERIOD	23	00	02	d. TOTAL PRIOR ACTIVE SERVICE	00	00	00	e. TOTAL PRIOR INACTIVE SERVICE	00	00	01	f. FOREIGN SERVICE	00	00	00	g. SEA SERVICE	00	00	00	h. EFFECTIVE DATE OF PAY GRADE	2006	FEB	01
12. RECORD OF SERVICE	YEAR(S)	MONTHS(S)	DAY(S)																																						
a. DATE ENTERED AD THIS PERIOD	1987	SEP	02																																						
b. SEPARATION DATE THIS PERIOD	2010	SEP	03																																						
c. NET ACTIVE SERVICE THIS PERIOD	23	00	02																																						
d. TOTAL PRIOR ACTIVE SERVICE	00	00	00																																						
e. TOTAL PRIOR INACTIVE SERVICE	00	00	01																																						
f. FOREIGN SERVICE	00	00	00																																						
g. SEA SERVICE	00	00	00																																						
h. EFFECTIVE DATE OF PAY GRADE	2006	FEB	01																																						
13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service) Meritorious Service Medal, Air Force Commendation Medal with 1 oak leaf cluster, Air Force Achievement Medal, AF Outstanding Unit Award with 4 oak leaf clusters, AF Good Conduct Medal with 7 oak leaf clusters, National Defense Service Medal with 1 service star, Global War on Terrorism Service Medal, AF Longevity Service with 4 oak //See Remarks//		14. MILITARY EDUCATION (Course title, number of weeks, and month and year completed) BASIC MILITARY TRAINING, NOV 1987; NCO PREP COURSE, JUL 1990; NCO ACADEMY, MAY 2005; USAF SENIOR NCO ACADEMY, SEP 2007; PRIMARY CARE ORIENTATION - MOBILE, DEC 2002; AFTC, JUN 1998; AIR FORCE TRAINING COURSE, MAY 1998; MEDICAL RED FLAG (ATH SPECIFIC)/EMEDS, MAY 1997; MEDICAL SERVICES MANAGEMENT CRAFTSMAN, JUL 1996; MEDICAL RED FLAG //SEE REMARKS//																																							
15a. MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM b. HIGH SCHOOL GRADUATE OR EQUIVALENT		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO																																							
16. DAYS ACCRUED LEAVE PAID 40	17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION				<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO																																				
18. REMARKS ITEM 14: (ATH SPECIFIC)/EMEDS, MAY 1995; LAW ENFORCEMENT SPECIALIST, DEC 1987. ITEM 13: leaf clusters, USAF NCO PME Graduate Ribbon with 1 oak leaf cluster, AF Training Ribbon.																																									
NOTHING FOLLOWS																																									
Case # 05-2017-DR-022905-XXXX-XX Document Page # 177																																									
 *32839038*																																									
The information contained herein is subject to computer matching within the Department of Defense or with any other affected Federal or non-Federal agency for verification purposes and to determine eligibility for, and/or continued compliance with, the requirements of a Federal benefit program.																																									
19a. MAILING ADDRESS AFTER SEPARATION (Include ZIP Code) 4108 BASSEN DR SWANSEA IL 62226		16. NEAREST RELATIVE (Name and address - include ZIP Code) STEPHANIA Y. DRANE 4108 BASSEN DR SWANSEA IL 62226																																							
20. MEMBER REQUESTS COPY 6 BE SENT TO JL DIRECTOR OF VETERANS AFFAIRS		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO																																							
21. SIGNATURE OF MEMBER BEING SEPARATED MEMBER NOT AVAILABLE TO SIGN		22. OFFICIAL AUTHORIZED TO SIGN (Typed name, grade, title and signature) THOMAS E. HARDEN II, TSgt, USAF NCOIC, Retirements Documentation Branch																																							

**SPECIAL ADDITIONAL INFORMATION (For use by authorized agencies only)**

23. TYPE OF SEPARATION RETIREMENT	24. CHARACTER OF SERVICE (Include upgrades) HONORABLE
25. SEPARATION AUTHORITY AFI 36-3212	26. SEPARATION CODE SFJ
28. NARRATIVE REASON FOR SEPARATION	27. REENTRY CODE 2Q

28. NARRATIVE REASON FOR SEPARATION  
DISABILITY PERMANENT

## DISABILITY, PERMANENT

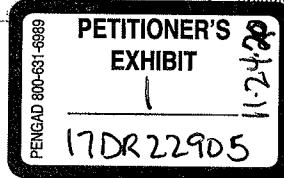
29. DATES OF TIME LOST DURING THIS PERIOD

**NONE**

DD EO

68. MEMBER REQUESTS COPY 4  
(initial/s) N/A

## MEMBER-4



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## APPENDIX E

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[SEAL]

**DEFENSE FINANCE AND ACCOUNTING SERVICE**  
**U.S. Military Retired Pay**  
**8899 E 56<sup>th</sup> Street**  
**Indianapolis, IN 46249-1200**  
**[www.dfas.mil/retiredmilitary.html](http://www.dfas.mil/retiredmilitary.html)**

**[Dated: February 14, 2018]**  
**[Filed: November 24, 2020]**

17135789  
February 14, 2018

MSgt Preston L Drane, USAF (Ret)  
3516 Hoofprint Drive  
Melbourne, FL 32940

Dear Sergeant Drane:

Thank you for your recent inquiry about the computation of your retired pay. The Defense Finance and Accounting Service appreciates the opportunity to assist you in managing your retired pay account.

Retired pay for members placed on the Permanent Disability Retired List (PDRL) is calculated using the formula shown on the enclosed worksheet. Please review the worksheet carefully for an explanation of the methods used to calculate (PDRL) retired pay.

Please note that because your retired pay is based on your active duty records, any change which will

## App. 12

affect the calculation of your pay must be initiated by the Air Force Military Personnel Center. A change in your official Air Force records is made only after an administrative examination of the evidence is approved by the Army Human Resource Command. A request for any change should be sent to:

- Army Human Resource  
Command of Excellence  
Support Division, St. Louis  
1 Reserve Way  
St. Louis, MO 63132-5200
- Air Force Military Personnel Center  
SAF/MRBR  
550-C Street West, Suite 40  
Randolph AFB, TX. 78150-4742
- Navy/Marine Personnel Command  
PERS 314  
5720 Integrity Drive  
Millington, TN 38055

Changes made to your Air Force records will be effective from the approval date by the Air Force Military Personnel Center. A copy of the authorization letter will be sent to our office by the Air Force Military Personnel Center upon their determination of your request.

We thank you for your service to our country. Further information about retired military pay can be found at our website. You can also contact one of our customer care representatives at 800-321-1080 or 216-522-5955, between 8:00 a.m. and 5:00 p.m., Eastern

App. 13

Standard Time, Monday through Friday, write to us at  
the address above, or fax to 800-469-6559.

Sincerely,

A. Alford  
Military Pay Technician  
Retired and Annuitant Pay

Enclosure:  
As stated

## App. 14

### **Permanent Disability Retired List (PDRL) Retired Pay Calculation Worksheet**

Permanent Disability Retired List (PDRL) pay is calculated using the following formula:

1. If you entered the military on or before September 7, 1980, your active duty base pay from the pay bill in effect at the time of retirement is used to compute military retired pay. If you entered the military after September 7, 1980, the average of your highest 36 months' worth of active duty pay (known as the High 36 or High 3 base amount<sup>1</sup>) is used. In your case, use the High 36/High 3 base amount of \$3,995.90.
2. Your pay is then calculated twice, once using your percentage of disability (Method A) and once using your years of service (Method B).<sup>2</sup> Your pay is based upon the calculation which yields the greater gross pay amount.

#### **Method A Calculation**

- a. Multiply your military (not VA) disability rating (40%) by \$3,995.90 (0.4<sup>3</sup> times \$3,995.90 equals

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<sup>1</sup> The amount used to calculate the High-36/High 3 base amount are provided to DFAS by the personnel center of the service branch. Any discrepancies must be resolved by the personnel center.

<sup>2</sup> Qualified retirees may receive a Method C and/or Tower calculation as well.

<sup>3</sup> For TDRL, The minimum allowable percent is 50% and the maximum allowable percent is 75%. For PDRL, the minimum

## App. 15

\$1,598.36). For pay received after September 30, 1983, drop cents from the final figure (since your retirement date is after September 30, 1983, the Method A gross pay amount equals \$1,598.00).

### Method B Calculation

- a. Drop the days from your Service for Percent (23 years and 0 months), then fractionalize the months by dividing by 12 (0 divided by 12 equals 0.0). Round to two decimal places. The result (23 years and 0 months, or 23) is your Service for Percent.
- b. Because you are entitled to 2.5% of your High 36/High 3 base amount for each creditable year of service, multiply the Service for Percent by .025 (23 times .025 equals 0.575). Round to four decimal places. The result is your Percent Multiplier<sup>4</sup>.
- c. Multiply the Percent Multiplier (0.575) by \$3,995.90 to obtain your initial monthly gross pay amount. For pay received after September 30, 1983, drop cents from the final figure (since your retirement date is after September 30, 1983, the Method B initial monthly gross pay equals \$2,297.00<sup>5</sup>.

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allowable percent is 0% and the maximum allowable percent is 75%.

<sup>4</sup> The maximum allowable Percent Multiplier is 0.7500.

<sup>5</sup> This automated worksheet does not calculate pay based on the following: CSB/Redux, Extraordinary Heroism, Method C (for TDRL/PDRL) or Tower. *Amounts may vary.*

## App. 16

3. Method A yields a gross pay amount of \$1,598.00.  
Method B yields a gross pay amount of \$2,297.00.

The method yielding a greater gross pay amount is used to calculate your initial monthly gross pay of \$2,297.00<sup>6</sup>.

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<sup>6</sup> This automated worksheet does not calculate pay based on the following: CSB/Redux, Extraordinary Heroism, Method C (for TDRL/PDRL) or Tower. *Amounts may vary.*

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## APPENDIX F

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**DEFENSE FINANCE AND ACCOUNTING SERVICE**  
**U.S. Military Retired Pay**  
**8899 E 56<sup>th</sup> Street**  
**Indianapolis, IN 46249-1200**  
**[www.dfas.mil/retiredmilitary.html](http://www.dfas.mil/retiredmilitary.html)**

**[Dated: October 5, 2017]**  
**[Filed: November 24, 2020]**

October 5, 2017

MSG PRESTON DRANE  
3516 HOOFPRI NT DR  
MELBOURNE, FL 32940

To whom it may concern:

Preston Drane, USAF (Retired) is on the retired/retainer rolls of this center and has a compensable disability retirement rated at 40% effective September 4, 2010.

Our records further reflect that the retiree is currently receiving retired pay in the gross monthly amount of \$2,406.00.

We thank you for your service to our country. If you have any further questions about your retired pay account, you can visit our website at [www.dfas.mil/retiredmilitary.html](http://www.dfas.mil/retiredmilitary.html). You may also contact one of our customer care representatives at 800-321-1080 or 216-522-5955, between 8:00 a.m. and

App. 18

5:00 p.m., Eastern Standard Time, Monday through Friday, or write to us at the address above.

Sincerely,

/s/ Kevin W. Bianchi

Digitally signed by Cleveland Customer Care Center Customer Service Representative for and on behalf of Kevin W. Bianchi, Director of Operations

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## APPENDIX G

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### TRANSCRIPT EXCERPTS

**[Dated: May 2017]**

\* \* \*

[p. 9]

represent the Petitioner, I'll allow you to make the opening first, Ms. Carey. And then I'll hear from Ms. Henderson.

MS. CAREY: Okay. Your Honor, in this particular situation, the retirement -- and also the wife's retirement is at issue too. I didn't have an opportunity to complete my thought.

But in this particular situation, Your Honor, we have a young man, Mr. Preston Drane. The Court is going to hear -- hear evidence today and I also see demonstrative evidence where Mr. Drane was in the military. And in approximately 2009, he was injured and after being injured -- and after being injured, you are going to see that he had -- he was medical boarded. And at some point, there was -- he was discharged.

And you will see the -- his discharge documents. And on his discharge document Number 23, says: Type of separation: Retirement. Number 28 says: Narrative reason for separation: Disability, permanent.

You're going to see that document today. Then you're going to see a composite of many documents from DFAS discussing his permanent disability. And

App. 20

that is the issue when it comes to Mr. Drane, today. That if the retirement is considered to be disability, and we're saying based on federal laws, based on the codes, that his disability, that he retired, he is permanently disabled.

That is what we're here about today, as far as that's concerned. Now, we also are here about her disability. Her retirement. The wife's, the former wife.

And what the issue -- we believe the issue today is, with her, is that instead of what is perceived to be the -- the number of years in the marriage, she bought back eight some years.

And therefore, my client is saying that when that happens -- before that happened, they discussed it. They were still living in the same residence. We know that there was a notice of -- that the dissolution of marriage had been filed, but they lived in the same residence for a year. They comingled their funds. So we are saying that he is due those years that she bought back.

And I have supplied the Court with all of the -- of my exhibits that have come from the Defense Finance and Accounting Services and also his DD-214. Also, I have provided to the Court, the

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## APPENDIX H

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**IN THE CIRCUIT COURT OF THE EIGHTEENTH  
JUDICIAL CIRCUIT IN AND FOR  
BREVARD COUNTY, FLORIDA**

**CASE NO.: 2017-DR-22905**

**[Filed: January 16, 2021]**

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PRESTON DRANE,	)
Petitioner,	)
	)
and	)
	)
STEPHANIA DRANE,	)
Respondent.	)
	)

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**HEARING BEFORE JUDGE ROBERTS**

Location:  
Videoconference

**Original**

Date:  
December 8, 2020

Time:  
9:00 a.m.

**REPORTED BY:  
DAMARIS LOPERENA**

App. 22

APPEARANCES

**FOR THE PETITIONER**

By: Jane Carey, Esq.  
905 West Colonial Drive  
Orlando, Florida 32804  
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**FOR THE RESPONDENT**

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Viera, Florida 32955  
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Email: maria@hendersonlegalgroup.com

*[Index Omitted for Printing Purposes]*

## P R O C E E D I N G S

THE COURT: Okay. For the record, we're here for the Court's ruling on the one remaining issue that was reserved upon in -- in Preston Drane, Petitioner, and Stephanie -- Stephanie -- Stephanie -- ma'am, I forget. Is it Stephanie or Stephenia?

MS. DRANE: Stephanie.

THE COURT: Stephanie. Okay. Great. In any case, we're -- the parties were married, the parties were divorced. The marital settlement agreement, and a final judgment was entered on February the 21st, of '20. In the marital settlement agreement on Page 5, that is Number 2. Is that a two? Let me see. It might be a -- an 11. Yes.

Under Paragraph 11, Retirement Accounts Subparagraph, D and E: The parties acknowledge that they both have military and disability retirement, they could not reach an agreement on that. And that matter was reserved for the Court.

Thereafter, the Court had held a hearing specifically on these matters. I would note for counsel that when I was reviewing the file, it appeared to me that the -- and I'm reading this from my notes, so I'm not independently verifying it again.

But from my notes, it appeared to me that the dissolution of marriage petition said the parties were married in Georgia on June the 16th, 2001. But in the final judgment, which was entered February 21st, '20, it says the parties were married in Florida. So, you all

might want to file -- file an amended to correct that. So -- all right.

So, the Court had a lengthy hearing. The Court took the testimony of witnesses which included the parties, and a Mr. Voit, V-O-I-T. He was -- he was, over objection by the Petitioner, permitted to testify by way of opinion testimony.

Mr. Drane also -- and he was allow -- allowed to testify regarding his opinion of how the retirement benefits for both parties should be treated. Particularly how the marital and nonmarital portions should be treated, given that at least a portion of the benefits claimed by the parties are due to a service-connected disability.

Mr. Drane was permitted to testify as well. And he testified extensively as a fact witness, but he appeared to have substantial knowledge of the rules and regulations and law that governs these matters. And so, over Respondent's objection, he was allowed to give his opinion testimony on the grounds that he's -- he seemed to be well versed. And this -- the standard is whether or not his testimony would be of -- of help to the Trier of Fact. And I deem that it potentially could be.

And also, I just have this innate belief that case law supports that a party can testify as to the value of their own assets. And so I allowed him to testify. In any case, I then -- I took substantial notes, which I had an opportunity to review. And I reviewed the court -- electronic court file a couple times. And I received substantial exhibits, which the record won't reflect. But

I'm holding up, I don't know, at least three inches of paper. That -- that wasn't indeed all of it, because I took judicial notice of some other things, including some rules and regulations, which I did go look at.

I found that the matter was rather complicated. So I'm glad I had good counsel that seemed to understand it. I then also had the opportunity to review a significant and substantial closing argument provided by Ms. Carey.

And based on everything that I reviewed, the entirety of the court file, my -- I had an opportunity to look -- to observe the witnesses for their candor, and I found that they were candid. And nobody was trying to deceive the Court, though they had different perceptions of matters. And I resolve that by saying that the parties were candid.

And in doing so, what I find is that Mr. Drane served in the Air Force 23 years. He was injured in the line of duty.

On his -- on Petitioner's 9, he shows that he has a Social Security benefit of \$1,375.50 as of January 20th. It shows up on Respondent's 8 as \$1,525. The difference in those might be due to some -- some variation due to time. But in any case, on Respondent's 6, the monthly retirement account statement shows a gross retirement pay of \$2,487, less a waiver of \$302 for a taxable income of \$2,021.42. I find that taxable income is equivalent to the retirement pay and is not disability pay, so I find that there's no component of this that is disability pay.

I also reviewed a letter, which is Respondent's 7, Department of Veterans Affairs, a letter dated May the 1st, 2019, which advises that there is a service-connected disability compensation from the Department of Veterans Affairs, and the gross benefit is \$3,352.41. That's \$3,352.41. The net is \$3,352.41. That's \$3,352.41.

It also says that effective December 1st, 2018, that's 12/1/18, the combined evaluation is a 100 percent. This also appears on his financial affidavit dated July the 7th, 2017 --

*[Brief Audio Disconnection within MS Teams]*

-- against that. And I decided that we'd accept the opinion of Mr. Voit, V-O-I-T. Timothy -- Timothy C. Voit. I found that he was qualified to render opinions. The record will contain the -- the description of his qualifications, but in short form fashion: He's the author -- author of several books on the issues. He is at least -- he's the owner, or part owner of Voit Economic Econometrics. E-C-O-N-O-M-E-T-R-I-C-S. Econometrics Group, Inc. He is experienced as a forensic economics advisor.

In any case, I -- I accept his opinion as set forth in his opinion letter, February 12, 2020. I also -- with -- on the same grounds accepted his opinion letter -- and that was related to Mr. Preston Drane. I also accepted his opinion letter and find it probative on -- as to -- as it relates to Ms. Stephania Drane's retirement. That letter is dated August the 10th, 2020.

Going back to Ms. Drane for just a moment -- well, Mr. Voit as I said, a professional financial analyst and

forensic accountant, he met with the Petitioner, he viewed his -- his DD-214. He reviewed all the pertinent documents. I found he's qualified. He set forth a formula which is contained in his letter for both parties.

Now if you go to Ms. Drane, she -- all right. Her active service was from 12/30/96 to 11/9/03. And let me go back, I did not recite the active service for Mr. Drane. But both parties agree that -- by stipulation it was 23 years. So that's not a -- a problem with the ruling. And the record will contain what it actually is. But everybody agreed it was 23 years.

But in her case, the actual dates are recited. Her active service was 12/30/96 to 11/9/08. Therefore, approximately 12 years of service. She separated from -- she also had a component which was disability. But in any case, she separated from the military after that -- those 12 years of service.

She went to work for the federal government. The record will contain whether it was for -- directly for the federal government or for a federal government -- what do you call it? A company that services the federal government, a contractor for the federal government. I don't honestly remember which.

But the important part is that by going to work in that capacity, she -- she wasn't entitled to buy back eight years of service, previous to that when she was in the military. But once she separated, and she went to work for the federal government, in either of those capacities that the record contains, she was entitled to buy back eight years of service, which she did.

Mr. Drane claims -- the Petitioner claims that that is a marital asset, and I find that it is not. I find that it is not a marital asset because she purchased those eight years from non -- entirely non-marital funds. And she purchased it after the date of filing. So, the purchase was made at a time when there was no longer an intact marriage.

Mr. Drane offered some testimony, which was -- my recollection, was disputed by Ms. Drane, but it's not really a consequence. He offered testimony that she lived with him at the time that it occurred. But there was no testimony regarding a reconciliation or anything of that nature. It may -- if she did, and again, my recollection is she disputed that, but if she did, it was just a mere cohabitation of convenience and nothing else. And the -- the fact that she merely cohabited briefly with him does not mean that the -- the purchase -- the buyback was made during an intact marriage.

So in order to calculate these, I went ahead and looked at the calculations done by Mr. Voit, and I ran my own calculations. Let me also say -- I should say, Mr. Drane -- part of Mr. Drane's theory was that he worked for the Air Force. That the Air Force at some point gave him a 40 percent disability rating. And he claimed that was different and separate from the VA rating of 100 percent.

However, I find that in several places in the record, the VA disability is entitled 100 percent combined disability. I found no evidence that there was some sort of separate 40 percent component to his disability. And

I didn't find that to be supported by any of the case law or the -- or the regulations that I reviewed.

Though Mr. Drane and Ms. Carey argue it very vigorously, I have to respectfully reject that -- that finding, and find that there was not a separate 40 percent US Air Force disability retirement over and above or different from his 100 percent VA disability.

So having said all that -- let's see. All right. I find -- for Mr. Drane, I find that the after-tax value of the marital portion is equal to \$210,205.69. That's \$210,205.69. Divided by two, that is \$105,102.85. That's \$105,102.85 that would be due to Ms. Drane, from Mr. Drane. The monthly benefit as a result of that, is \$875.90. That's \$875.90. Divided by two, that would be \$437.95. That's \$437.95.

Going to Ms. Drane. Let's see. Hold on just a minute. Okay. I find that the -- I'm looking for the numbers. Give me just a moment. Okay. Okay.

I find that the present value of Ms. Drane's monthly retirement pay is \$12,887.52. That's \$12,887.52. Divided by two, marital portion for Mr. Drane would be \$6,443.76. That's \$6,443.76.

So you have to do an offset calculation. The marital portion of those two, present day value of those two, that are marital, would be \$105,102.85. That's 105 point -- comma -- let me say that again. \$105,102.85 for Mr. Drane, less \$6,443.76. That's \$6,443.76, from Ms. Drane. So that's the difference due to the Respondent is \$98,659.09. That's \$98,659.09.

To calculate in terms of the monthly offset, that would be \$437.95. So that's \$437.95, minus \$130.15. That's \$130.15. And the difference there, that's due to the Respondent, Ms. Drane, on a monthly basis is \$307.80. That's \$307.80 per month, paid by Petitioner to Respondent.

MS. HENDERSON: Your Honor?

THE COURT: Yes.

MS. HENDERSON: My client's not drawing that pension yet, and she won't for some time, whereas Mr. Drane is drawing.

THE COURT: Hmm.

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## APPENDIX I

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### DEPARTMENT OF THE AIR FORCE WASHINGTON DC 20330-5026

[Dated: May 26, 2010]  
[Filed: November 24, 2020]

#### SPECIAL ORDER

NO. ACD-01513

26 MAY 10

R

MSG DRANE, PRESTON L

SCOTT AFB IL 62225

EFFECTIVE 03 SEP 10 YOU ARE RELIEVED FROM ACTIVE DUTY, ABOVE ORGANIZATION AND STATION OF ASSIGNMENT. EFFECTIVE 04 SEP 10 YOU ARE PERMANENTLY DISABILITY RETIRED IN THE GRADE OF MSG PER AFI 36-3212 WITH COMPENSABLE PERCENTAGE FOR PHYSICAL DISABILITY OF 040 PERCENT.

HIGHEST GRADE HELD ON ACTIVE DUTY: MSG

DATE OF BIRTH: 31-AUG-68

YEARS	MONTHS	DAYS
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SERVICE FOR BASIC PAY:	23	00	02
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ACTIVE SERVICE FOR RETIREMENT:	23	00	02
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SERVICE PER 10  
USC 1405: 23 00 02

TO PROCEED TO HOME OF SELECTION, PCS.  
TDN. 57 0 3500 320 5881.0\* 525725  
(\*INSERT M, J, D, K, H, I, T, G, OR Y).  
NONTEMPORARY STORAGE: 57 0 3500 320 5888.0N  
525725  
CIC : 4 5 048 0080 525725 TAC: F08E. SDN:  
PB58810001MP0H

DISABILITY RECEIVED IN LINE OF DUTY  
AS A DIRECT RESULT OF ARMED  
CONFLICT OR CAUSED BY AN  
INSTRUMENTALITY OF WAR AND  
INCURRED IN LINE OF DUTY DURING A  
PERIOD OF WAR: NO

ON 24 SEPT 1975 HAD SERVICE  
AFFILIATION AS DEFINED IN 26 USC 104: NO

DISABILITY WAS THE DIRECT RESULT  
OF A COMBAT RELATED INJURY AS  
DEFINED IN 26 U.S.C. 104: NO

REMARKS: 10 U.S.C. 1201  
BY ORDER OF THE SECRETARY OF THE AIR  
FORCE

OFFICIAL

LESLIE L. HARGETT, COLONEL , USAF  
CHIEF, USAF PHYSICAL DISABILITY DIVISION  
DIRECTORATE OF PERSONNEL SERVICES

App. 33

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375 FSS  
SCOTT AFB IL (AMC)  
62225-5011      ACD-01513

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