

DISTRICT OF COLUMBIA COURT OF APPEALS

Marcia Oshinaike v. Solomon Adedolapo Oshinaike

140 A.3d 1206 (D.C. 2016) · No. 15-FM-938 · Decided June 23, 2016

SUMMARY

The District of Columbia Court of Appeals reversed a divorce decree ruling that the appellee had not validly waived rights to the appellant's Foreign Service pension, annuity, and survivor benefits. The court held that an unambiguous waiver of all pension, annuity, and survivor benefits satisfies 22 U.S.C. § 4054(a) without specifically naming a Foreign Service pension. A dissenting opinion would have required an express reference to the Foreign Service pension.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Roy W. McLeese; Blackburne-Rigsby; McLeese; King
JURISDICTION	District of Columbia
DECIDED	June 23, 2016
DOCKET	15-FM-938
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a final divorce decree incorporating the Superior Court's ruling that the appellee had not validly waived rights to the appellant's Foreign Service pension and related benefits.
STANDARD OF REVIEW	De novo review of the trial court's interpretation of 22 U.S.C. § 4054(a).
PRECEDENTIAL VALUE	published
PARTIES	Marcia Oshinaike v. Solomon Adedolapo Oshinaike

TOPICS

divorce family law procedure statutory interpretation appellate procedure spousal support

PRACTICE AREAS

family law divorce statutory interpretation appellate procedure

QUESTIONS PRESENTED

1. Whether 22 U.S.C. § 4054(a) requires a spousal waiver of rights to a Foreign Service pension to specifically identify the Foreign Service pension.
2. Whether the parties' unambiguous waivers of all rights to pension, annuity, and survivor benefits satisfied 22 U.S.C. § 4054(a).
3. What weight should be given to informal State Department guidance and publications asserting that a waiver must specifically reference a Foreign Service pension.

HOLDINGS

1. Section 4054(a) does not require magic words or a specific reference to a Foreign Service pension. An unambiguous waiver of all pension, annuity, and survivor benefits sufficiently and expressly waives the former spouse's rights to the participant's Foreign Service retirement benefits.
2. Informal agency materials, including handbooks and publications, are not entitled to substantial Chevron deference and may receive only persuasive weight proportional to their power to persuade; the materials relied upon here were not entitled to significant weight.

KEY QUOTATIONS

“We conclude that an unambiguous waiver of all pension, annuity, and survivor benefits suffices under section 4054(a).” (140 A.3d at 1208)

“In our view, however, the legitimate interests of Foreign Service spouses will not be undermined by enforcing unambiguous waivers that specifically refer to all pension, annuity, and survivor benefits.” (140 A.3d at 1208)

“Because we conclude to the contrary, we reverse the judgment and remand the case for the trial court to revise the divorce decree to reflect Mr. Oshinaike's waiver of any right to Ms. Oshinaike's Foreign Service pension, annuity, and survivor's benefits.” (140 A.3d at 1210)

FACTUAL BACKGROUND

The parties married in 1989, and the appellant later became a Foreign Service officer. In 2011 and 2013, they executed agreements stating that the appellee waived all rights to the appellant's pension, annuity, and survivor benefits. During the divorce proceedings, the appellant sought enforcement of those waivers as applying to her Foreign Service retirement benefits, but the trial court concluded that the agreements were legally inadequate because they did not specifically mention a Foreign Service pension.

PROCEDURAL HISTORY

During the divorce proceedings, the appellant sought a declaration that the appellee's property agreements waived his rights to retirement benefits accrued through her Foreign Service employment. After an evidentiary hearing, the Superior Court ruled as a matter of law that the agreements did not satisfy 22 U.S.C. § 4054(a) because they did not specifically refer to a Foreign Service pension, and incorporated that ruling into the divorce decree. The Court of Appeals reversed and remanded for revision of the decree.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must revise the divorce decree to reflect appellee's waiver of any right to appellant's Foreign Service pension, annuity, and survivor's benefits.

CASES CITED

- Eaglin v. District of Columbia, 123 A.3d 953, 955 (D.C. 2015)
- DeRyke v. Teets, 702 S.E.2d 205, 206-07 (Ga. 2010)
- Monsanto Co. v. C.E. Heath Comp. & Liability Ins. Co., 652 A.2d 30, 35 n.5 (Del. 1994)
- Angulo v. Gochnauer, 772 A.2d 830, 832-36 (D.C. 2001)
- Diversified Inv. Advisors, Inc. v. Baruch, 793 F. Supp. 2d 577, 581-82 (E.D.N.Y. 2011)
- Metropolitan Life Ins. Co. v. Flusty, 545 F. Supp. 2d 624, 626, 629-30 (E.D. Mich. 2008)
- Fox v. OPM, 100 F.3d 141, 142-44 (Fed. Cir. 1996)
- Chevron U.S.A. Inc. v. Natural Resources Defense Council, 467 U.S. 837 (1984)
- United States v. Mead Corp., 533 U.S. 218, 227-35 (2001)
- Nunnally v. District of Columbia Metro. Police Dep't, 80 A.3d 1004, 1013 & n.17 (D.C. 2013)
- 1303 Clifton St., LLC v. District of Columbia, 39 A.3d 25, 31 (D.C. 2012)
- Prochazka v. United States, 104 Fed. Cl. 774, 798 (2012)