

No. 52455-4-11

FILED  
COURT OF APPEALS  
DIVISION II

2019 JAN 17 AM 10:55

IN THE COURT OF APPEALS, DIVISION II  
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON

BY \_\_\_\_\_  
DEPUTY

SUPERIOR COURT OF CLARK COUNTY

No. 95-3-01675-5

GLENNA JUNE BRINKER  
Respondent

V.

JOHN PAUL BRINKER  
Appellant

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**REPLY TO OPENING BRIEF OF APPELLANT**

Glenna June Brinker, Pro Se  
1775 NE 108<sup>th</sup> Avenue  
Portland, OR 97220

John Paul Brinker, Pro Se  
1210 NW 134<sup>th</sup> Way  
Vancouver, WA 98685

Glenna J Brinker, Respondent, is replying to John P. Brinker's (Appellant) November 15, 2018 filing. (Opening Brief of Appellant)

The Appellant is in fact seeking to overturn, not revise, Commissioner Snider's Order Clarifying June 2011 Order of May 7, 2018 due to seven alleged errors by the Commissioner and one error by Judge Vanderwood.

Mr. Brinker is seeking to overturn Judge Vanderwood's decision dated June 26, 2018 denying Mr. Brinker's Motion for Revision. He alleges that Judge Vanderwood made only a cursory review of the case.

The issue at hand in the Court Order of May 7, 2018 was to determine the termination date of a \$500 monthly restitution payment imposed by the Superior Court of Clark County, Washington. This is the only matter dealt with in the Court Order. The Respondent is willing to agree with the Court in both decisions, and abide by their judgments.

These are the eight errors Mr. Brinker asserts were made, with the Respondent's answers:

Error 1: The Court erred in not accepting John Brinker's determination as to when the loan repayment period should end.

**Answer:** Mr. Brinker refers to the \$500/month as a "loan repayment." They are actually court-ordered restitution payments.

Mr. Brinker submits in his Brief (p. 14, lines 2-17) from the June 17, 2011 Domestic Relations Order (The Qualified Domestic Relations Order) CP 13-16 After the OPM implements this Order and issues its first payment of the 30.96% share to Glenna Brinker (plus the additional \$500/ month) **John Brinker will obtain an accounting from the OPM. CP 17-18 That accounting will show all amounts of self-only annuity paid to and the amounts of former survivor annuity premiums subtracted from the annuity payments to Glenna Brinker and John Brinker and the dates of such payments to that point.** CP 19-21 The Court will then determine the amount of underpayment to Glenna Brinker and divide the dollar amount by 500. CP 22 The result of that calculation will equal the number of months for which the additional \$500 per month shall be paid in accordance with the Court's findings in the February 8, 2011 Order.

CP 23-24 The Court will then enter an Order specifying the date in which the additional \$500 per month will end, CP 25 That Order will then be sent to OPM for implementation. CP p. 3 line 1. Mr. Brinker never got an accounting from OPM in 2012, as he required to do by the Qualified Domestic Relations Order (QUADRO). This document is also known as The June 17, 2011 Domestic Relations Order which governs our retirement account. Mr. Brinker waited until 2017 to contact OPM, which then prompted the beginning of these current proceedings. **Thus no court-ordered end date has ever been submitted to OPM.**

In court, Mr. Brinker objected when Commissioner Snider suggested that he should subpoena OPM's records. He stated that it would take too long. (Respondent has been expected to wait over a year at times for a response from OPM, but they did respond. Were Appellant to engage a QUADRO lawyer, wait time might be reduced.

Error 2. The Court erred in calculating the amount owed.

**Answer:** Mr. Brinker wanted the Commissioner to use his figures which he had presented to the Court. Instead she calculated the amount from figures she solicited from both the Respondent and Appellant during court proceedings and from court papers.

Error 3. The Court erred in that the Judge did not properly understand the law involved. Consequently, The Court's findings of facts are not supported by substantial evidence.

**Answer:** Mr. Brinker has not retained a lawyer for what he believes to be an important QUADRO case. The lawyer could have answered any questions the Judge may have had.

Error 4. The Court erroneously determined that Glenna Brinker's monthly retirement pay was \$500 instead of \$697.

**Answer:** Mr. Brinker didn't use OPM's figures in making this determination.

Error 5. The Court erred when it was unduly influenced by Glenna Brinker's physical handicap.

**Answer:** Mr. Brinker is using my physical disability against me, this is not constructive. I've never asked for nor received undue advantage.

Error 6. The Court erred in 2008 when it raised Glenna Brinker's pension to 30.96%, but would not drop John Brinker's survivor benefit payment of \$221.50 or an additional 5.2%.

**Answer:** This matter was never a part of this case. Survivor Benefits were a divorce matter, which was settled in 1997.

Error 7. The Court erred when it didn't follow Section 83469 (a) of title 5 United States Code.

**Answer:** Mr. Brinker believes that the Court can terminate the \$500/month restitution payments immediately. The Court in fact determined a termination date in the May 7, 2018 Court Order. By setting a date of April, 2019, the Court was giving time for OPM to act. The Court expected Mr. Brinker to send the Order to OPM for processing. Instead he challenged that date in a motion for revision and went back to court.

Error 8. The Court performed only a cursory review of John Brinker's brief of May 15, 2018. This led to its summary dismissal of John Brinker's appeal.

**Answer:** I do not believe this review was cursory nor can Mr. Brinker prove that it was. I agree with the Court's decision.

Date January 14, 2019

Respectfully Submitted,

A handwritten signature in cursive script that reads "Glenna Brinker".

Glenna June Brinker, Pro Se

Respondent

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OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON

In re the Marriage of :

Glenna June Brinker,

Respondent

Vs.

John Paul Brinker,

Appellant

No. 52455-4-11  
Declaration of Mailing  
(DCLM)

BY  
DEPUTY

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I, GLENNA JUNE BRINKER declare that I am at least 18 years old and a party to this a  
Action and: On January 14, 2019, I deposited into the U.S. mail, first class postage  
Prepaid, a copy of the following document:

REPLY TO OPENING BRIEF OF APPELLANT

I declare under penalty of perjury under the laws of the State of Washington that the  
Forgoing is true and correct.

Signed at Portland, Oregon on January 14, 2019



Glenna June Brinker, Pro Se  
Respondent

Declaration of Mailing

52455-4-11