



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

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Docket No. 3664-20

Dear ■■■■■

This is in reference to your application for correction of your father's naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your father's naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 7 July 2021. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your father's naval record and applicable statutes, regulations and policies.

You requested to establish entitlement to Survivor Benefit Plan (SBP) annuity for your mother based on Decree of Divorce dated 23 December 1989. The Board, in its review of your father's entire record and your application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded SBP elections are irrevocable in accordance with Department of Defense Financial Management Regulation 7000.14R. Additionally, the requirement for spousal concurrence on SBP elections became effective on 1 March 1986. A review of your father's record indicates he elected to decline SBP coverage on 8 January 1980, therefore did not pay SBP premiums throughout his retirement. Additionally, there is no record of your father taking advantage of the open enrollment periods subsequent to his retirement to elect SBP coverage, thereby rendering your mother ineligible for an annuity.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when

applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely, _____

8/3/2021

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Deputy Director
Signed by █