



**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. 2538-21

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Dear █

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and 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.

A three-member panel of the Board, sitting in executive session, considered your application on 27 October 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 naval record and applicable statutes, regulations, and policies.

You requested to establish Survivor Benefit Plan (SBP) Former Spouse Coverage. The Board, in its review of your entire record and your application, carefully weighted all potentially mitigating factors, to include your assertions. The Board concluded you did not meet the criteria to elect SBP Former Spouse coverage in accordance with Department of Defense Financial Management Regulation 7000.14R. Specifically, the policy indicates, "when a member elects former spouse coverage, the member and the former spouse must complete an election statement indicating whether the election is being made pursuant to the requirements of a court order or by a voluntary written agreement. If the member entered into a voluntary written agreement as a part of, or incident to, a proceeding of divorce, dissolution, or annulment, the member must indicate on the written statement whether the agreement has been incorporated in, ratified, or approved by, a court order." Additionally, "a member with spouse or spouse and child coverage may, within 1 year of date of decree of divorce, dissolution, or annulment, whichever is later, change that election to provide an annuity to a former spouse or former spouse and child." A review of your record reflects you elected SBP Spouse and Children coverage on 27 October 1993. Subsequently, you divorced your spouse on 5 January 1995; however, your divorce decree did

not direct SBP Former Spouse coverage, nor did it merge or incorporate any such agreement to provide SBP Former Spouse coverage, thereby rendering her ineligible to be a beneficiary. Furthermore, the Board could not find, nor did you provide evidence of your notification to Defense Finance and Accounting Service (DFAS) of your divorce in 1995. Moreover, as of October 2021, the Defense Enrollment Eligibility Reporting System and DFAS still reflect you being married to your former spouse. You may contact DFAS at (800) 321-1080 or use their online services at <https://www.dfas.mil/dfas/AskDFAS/> to inquire about updating your marital status and SBP premium refund.

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,

11/6/2021

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Deputy Director

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