



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. 7052-21
Ref: Signature Date

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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 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 9 March 2022. 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.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You requested to establish Survivor Benefit Plan (SBP) Spouse and Children coverage. The Board, in its review of your entire record and your application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded you did not meet the eligibility criteria to include spouse coverage in accordance with Department of Defense Financial Management Regulation 7000.14-R. Specifically, the policy indicates a member who acquires a new spouse after retirement must make an election within 1 year of the marriage to cover new spouse. Additionally, SBP Children coverage generally continues until the youngest unmarried child turns age 18 or age 22 and pursuing a full-time course of study in a recognized educational institution. A review of your record indicates you elected SBP Child coverage on 1 July 1997, as you were not married at the time of your transfer to the Fleet Reserve effective

1 November 1997. You married your current spouse on 24 November 2004 and your daughters were born on 15 September 2006. Your first notification to Defense Finance and Accounting Service (DFAS) regarding adding SBP Spouse coverage did not occur until 1 November 2019. The Board noted retirees receive a monthly Retiree Account Statement that outlines pay descriptions to include SBP coverage information; therefore, you should have been aware within a reasonable time from date of marriage, that you did not have SBP Spouse coverage. Moreover, there is no record of you taking advantage of the option to enroll in SBP Spouse coverage during the open enrollment period of 1 October 2005 through 30 September 2006. However, as of 26 January 2022, your DFAS record continues to reflect SBP Children coverage.

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,

3/25/2022

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Deputy Director

Signed by: █