



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. 261-22
Ref: Signature Date

Dear ■ ■

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

A three-member panel of the Board, sitting in executive session, considered your application on 2 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 spouse's naval record and applicable statutes, regulations, and policies.

You requested to establish eligibility to receive Survivor Benefit Plan (SBP) annuities. The Board, in its review of your spouse's entire record and your application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that in accordance with Department of Defense Financial Management Regulation 7000.14-R, a member who acquires a new spouse after retirement must make an election within 1-year of the event to include the spouse with coverage previously elected for the children. The decision to elect or decline SBP coverage during this 1-year period is irrevocable. A review of your spouse's record indicates he elected SBP Children coverage on 8 April 1998, as he was not married at the time of his 1 July 1998 retirement. Your spouse married his second spouse on 3 December 1999 and divorced on 9 February 2001, and he chose not to elect SBP Spouse and Children coverage within 1-year of marriage, thereby irrevocably declining SBP Spouse coverage. You and your spouse married on 29 March 2008, however, because he previously declined to elect SBP Spouse and Children coverage when he first became eligible, you are ineligible to be an SBP beneficiary. Moreover, upon retirement, retirees receive a monthly Retiree Account Statement that outlines pay descriptions to include SBP coverage information;

therefore, the Board determined your spouse should have been aware that he was not paying SBP Spouse coverage premiums and that you were not an eligible beneficiary.

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,

3/22/2022

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Deputy Director

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