

DEPARTMENT OF THE NAVY

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

> Docket No. 2391-22 Ref: Signature Date

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.

A three-member panel of the Board, sitting in executive session, considered your application on 15 June 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 elect Survivor Benefit Plan (SBP) Spouse only coverage. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that in accordance with Department of Defense Financial Management Regulation 7000.14-R, SBP elections must be made prior to retired pay becoming payable, or if there is no eligible beneficiary at that time, within 1-year of acquiring an eligible beneficiary; the election to participate in or decline SBP is irrevocable. A review of your record indicates you signed DD Form 2656, Data for Payment of Retired Personnel electing not to participate in SBP coverage; you had a dependent child but no spouse at this time. Thereafter, you transferred to the Retired List effective 1 October 2005. Subsequently, you married your current spouse on 11 September 2014; however, did not notify Defense Finance and Accounting Service of your desire to elect SBP Spouse coverage until 14 January 2020. 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.

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.

