

review of your spouse's record indicates he signed DD Form 1883, Survivor Benefit Plan Election Certificate and NAVMC 118, Administrative Remarks on 31 August 1979 electing not to participate in SBP coverage. Thereafter, he transferred to the Retired List effective 1 September 1979 and his first spouse passed away on 11 March 1981. You and your spouse married on 11 September 1981; conversely, because he previously declined to elect SBP Spouse coverage when he first became eligible, and did not elect coverage during an open season, 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; consequently, the Board determined your spouse would have been reasonably aware that he was not paying SBP Spouse coverage premiums and that you were not an eligible beneficiary.

Furthermore, you submitted a claim for Arrears of Pay (AOP) but Defense Finance and Accounting Service denied the claim of \$689.83 on 19 December 2021 in accordance with the Barring Act, Title 31, United States Code, Section 3702. However, the Board noted that you are eligible to submit a new DD Form 149, Application for Correction of Military Record Under the Provisions of Title 10 U.S. Code, Section 1552 to this Board to receive the barred AOP.

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,

5/27/2022

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Deputy Director

Signed by: ■