



receiving notification. Additionally, a member with an eligible spouse who declines coverage is prohibited from electing the RCSBP except during an open enrollment period.

A review of your record indicates you were issued Notification of Entitlement (NOE) to Retired Pay at Age 60 and Eligibility to Participate in the RCSBP on 31 July 2012. The aforementioned notification provided you with information on the RCSBP, an Election Certificate, and direction on making an election within 90-days of receiving the letter. Although you were not married at the time of NOE issuance, you did have three dependent children. Subsequently, you married your third spouse on 5 June 2015 and did not elect to participate in RCSBP. On 13 July 2017, after completing an audit of your record, Headquarters Marine Corps notified you of being “automatically enrolled into Option A “I decline to make an election until age 60” due to being identified as not making an election. Regrettably, your third spouse passed away on 6 October 2017. Thereafter, you transferred to the Retired Reserve awaiting pay at age 60 effective 1 January 2021 and later married your current spouse on 15 April 2021. Because you did not elect RCSBP Spouse coverage for your third spouse, your current spouse is ineligible to be an SBP 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,

12/16/2022

