



court order or agreement referring to the SBP coverage must accompany the DD Form 2656-10. Moreover, the regulation also states a member who is participating with spouse and child coverage and who does not have an eligible spouse beneficiary may, upon remarriage: resume coverage, increase the level of coverage up to and including full retired pay, or elect not to have spouse coverage resumed. Unless a member elects not to cover the new spouse within 1-year after the marriage, spouse coverage automatically resumes at the first anniversary of the marriage.

A review of your father's record indicates your parents married on 22 May 1982 and your father began active duty in the Navy on 17 November 1982. On 8 June 2006, the Defense Finance and Accounting Service (DFAS) received your father's DD Form 2656, Date for Payment of Retired Personnel, electing SBP Spouse and Children coverage based on the full gross pay level of coverage. Your father transferred to the Fleet Reserve effective 1 July 2006 and began paying SBP Spouse and Child coverage. On 1 February 2011, your parents' divorce decree incorporated the Stipulation and Agreement dated 5 October 2010 in which "Husband and Wife shall execute the necessary documents to maintain the Survivor Benefit Plan with Wife and the parties' child, Stepen Alexander Giorgi, as sole beneficiaries." Your father continued to pay SBP Spouse and Child premiums after your parents divorced because DFAS did not receive notification from either of your parents regarding the divorce or a request to change the SBP election from Spouse to Former spouse coverage. Your father remarried on 20 April 2012 and did not notify DFAS that he did not want to cover his new spouse within 1-year of marriage, thereby rendering your father's widow the legal SBP beneficiary and annuitant upon his death on 27 April 2021. Therefore, the Board determined that a change to your father's record is not warranted.

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,

2/20/2024

