



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

██████████
Docket No. 6682-23
Ref: Signature Date

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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 18 January 2024. 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.

You requested to establish Survivor Benefit Plan (SBP) Spouse coverage. The Board, in its review of your entire record and 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, SBP elections must be made prior to retired pay becoming payable and the election to participate in or decline SBP is irrevocable. Additionally, a member with an eligible spouse on the date of retirement who declines spouse coverage is prohibited from electing SBP Spouse coverage except during an open enrollment period. There are no regular recurring open enrollment periods as they occur only when there are major changes to the SBP program and must be specifically prescribed by law; the last applicable SBP open season was authorized 1 October 2005 through 30 September 2006. The current open season is only applicable to retirees who were/are not enrolled in SBP or would like to discontinue SBP coverage. Furthermore, SBP Children coverage continues until the youngest unmarried child turns age 18 or age 22 and pursuing a full-time course of study in a recognized educational institution.

A review of your record reflects you elected SBP Children only coverage with your spouse's concurrence on 8 June 2000. Thereafter, you transferred to the Retired List effective 1 August 2000. Your spouse passed away on 2 July 2010 and SBP Children coverage discontinued on 1 July 2012. You remarried on 24 May 2014, but as a result of not initially electing coverage that included your first spouse, you are ineligible to elect SBP Spouse coverage for your current spouse at this time. Therefore, the Board determined that a change to your 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,

2/2/2024

