

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 September 2025

DOCKET NUMBER: AR20250008074

APPLICANT REQUESTS: correction of his records to show he enrolled in the Survivor Benefit Plan (SBP) for spouse and child(ren) coverage during the 2023 SBP Open Enrollment Season.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- Letter to Army Board for Correction of Military Records, 23 May 2025
- Office of the Deputy Chief of Staff, G-1, Letter, 21 May 2025
- SBP and Reserve Component SBP Open Enrollment Election, 23 May 2025
- Retiree Account Statement, 20 May 2025
- DD Form 214 for the period ending 26 July 1992
- District Court Order, 7 March 1978
- Circuit Court Final Decree, 23 November 1993
- Marriage Certificate, 16 June 2000
- Birth Certificate (Son), 27 February 2024

FACTS:

1. The applicant requests correction of his records to show he enrolled in the SBP for spouse and child(ren) coverage during the 2023 SBP Open Enrollment Season between 23 December 2022 and 31 December 2023. He states:

a. Due to his age and limited digital access, he was not aware of this open enrollment window. He is 88 years old and is not proficient with websites or social media. While he understands the SBP Open Season was advertised online, he relies on traditional mail and did not receive direct notice. This lack of awareness led him to miss the enrollment opportunity.

b. He is fully willing and able to comply with all associated costs, including the full amount of the buy-in premium, retroactive monthly premiums, and any applicable interest.

- c. He requests full SBP coverage for his current spouse, M\_\_\_\_ H\_\_\_\_, and their dependent child.
2. The applicant and H\_\_\_\_ E. H\_\_\_\_ married in 1959.
  3. Following prior enlisted service, he was appointed as a Reserve commissioned officer and entered active duty on 22 September 1964.
  4. He and H\_\_\_\_ E. H\_\_\_\_ divorced on 7 March 1978. There were three children born of this marriage. The divorce decree contains no language pertaining to military retired pay or survivor benefits.
  5. He and K\_\_\_\_ D\_\_\_\_ H\_\_\_\_ married on 17 March 1978.
  6. U.S. Total Army Personnel Command Orders S139-25, 20 July 1992, retired him in the rank/grade of colonel/O-6 effective 31 July 1992 and placed him on the Retired List effective 1 August 1992.
  7. His DD Form 214 shows he retired effective 26 July 1992 (should show 31 July 1992).
  8. His DA Form 4240 (Data for Payment of Retired Army Personnel), 30 July 1992, shows he was married and had no dependent children. Part V (SBP Election) notes: "Your SBP election is irrevocable. If you are married and elect not to participate or elect less than maximum coverage, your spouse must agree with your election. If your spouse does not agree, maximum coverage will be established." He declined to participate in the SBP with spousal concurrence on 30 July 1992. (Note: If a service member is married and declines SBP at retirement, the member will not be eligible to later cover that spouse or cover a new spouse should that marriage end in death or divorce and the member later remarries. To be eligible to provide SBP coverage for a later-acquired spouse, a member must elect spouse coverage at retirement. Congress periodically authorizes an SBP Open Enrollment Season allowing retirees to make changes to their elections.)
  9. He and K\_\_\_\_ D\_\_\_\_ H\_\_\_\_ divorced on 23 November 1993. There were no children born of this marriage. The divorce decree contains no language pertaining to military retired pay or survivor benefits.
  10. He and M\_\_\_\_ B\_\_\_\_ married on 16 June 2000.
  11. Their son, M\_\_\_\_ W\_\_\_\_ H\_\_\_\_, was born on 22 February 2024.

12. His SBP and Reserve Component SBP Open Enrollment Election, 23 May 2025, shows he requested SBP spouse and child(ren) coverage based on full gross retired pay. He elected to submit a one-time full payment for the total amount of the buy-in premium due based on the estimate he received.

13. The Defense Finance and Accounting Service letter to the applicant's congressional representative, 16 June 2025, informed him that the SBP allows retired members of the Uniformed Services an opportunity to provide a portion of their retired pay to their surviving beneficiaries. Under the National Defense Authorization Act for Fiscal Year 2023, Congress authorized the implementation of an SBP Open Season to allow military retirees and eligible military members awaiting retirement to enroll in the SBP or to disenroll if currently paying SBP premiums. This SBP Open Season was effective from 23 December 2022 to 1 January 2024. The applicant may be able to change his SBP election during a future SBP Open Season. Only Congress can establish an SBP Open Season; there are no SBP Open Seasons currently scheduled.

14. The Defense Finance and Accounting Service electronic correspondence, 6 August 2025, states the applicant declined SBP coverage effective 1 August 1992. He currently is not enrolled in the SBP.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on public law, policy and regulation. Upon review of the applicant's petition and available military records, the Board determined the applicant retired on 31 July 1992 after 27 years of active Federal service. In connection with his retirement, he declined SBP coverage, although he had an eligible spouse at the time. This election was accepted by the U.S. Army Human Resources Command (HRC).

2. The applicant married his current spouse on 16 June 2000. The Board noted the applicant's contention that he is 88 years old and is not proficient with websites or social media. The Board determined this lack of awareness led him to miss the 2023 open season enrollment opportunity for his third wife. The applicant could not have elected SBP for his son (born in February 2024) during the 2023 Open Season because the child was not born until a month after the Open Season closed.

3. Based on a preponderance of the evidence, the Board determined granting relief is in the best interest of justice to correct the record to reflect the applicant enrolled his current spouse in the SBP during the 2023 open enrollment season (between 23 December 2022 and 1 January 2024). Additionally, adding his son to the plan within one year of his February 2024 birth.

4. The Board further noted, the applicant is aware of the one-time buy-in premium that eligible members who elect to enroll must pay for elected coverage. The applicant will also owe considerable premiums to cover his 1 year-old child.

BOARD VOTE:

Mbr 1    Mbr 2    Mbr 3

XXX	XXX	XXX	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined that the evidence presented was sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by showing:

- a. The applicant deemed an election of "Spouse Only" coverage during the 2023 SBP Open Enrollment Season for his current spouse and the request was received and processed by the appropriate office in a timely manner.
- b. The applicant properly notified the Defense Finance and Accounting Service within the first year of his child's birth for election of "Spouse and Child" SBP coverage.



**X //SIGNED//**

---

CHAIRPERSON

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Public Law 92-425, the SBP, enacted 21 September 1972, provided that military members could elect to have their retired pay reduced to provide for an annuity after death to surviving dependents. An election, once made, was irrevocable except in certain circumstances. Elections are made by category, not by name. Since its creation, it has been subjected to a number of substantial legislative changes.

2. The DFAS website states that if a service member is married and declines SBP at retirement, the member will not be eligible to later cover that spouse or cover a new spouse should that marriage end in death or divorce and the member later remarries. To be eligible to provide SBP coverage for a later-acquired spouse, a member must elect spouse coverage at retirement.

3. The National Defense Authorization Act for Fiscal Year 2023 included an SBP Open Season. The 2023 SBP Open Season began on 23 December 2022 and ended on 1 January 2024.

a. The SBP Open Season allowed retirees receiving retired pay, eligible members, or former members awaiting retired pay who were currently not enrolled in the SBP or Reserve Component SBP as of 22 December 2022 to enroll. For a member who enrolled during the SBP Open Season, the law generally required that the member would be responsible to pay retroactive SBP premium costs that would have been paid if the member had enrolled at retirement (or enrolled at another earlier date, depending on the member's family circumstances). For retirees receiving pay, enrollment requires paying the premiums plus interest for the period since the date they were first eligible to enroll, as well as the monthly premiums moving forward.

b. The SBP Open Season also allowed eligible members and former members who were currently enrolled in the SBP or Reserve Component SBP as of 22 December 2022 to permanently discontinue their SBP coverage. The law generally required the covered beneficiaries to concur in writing with the election to discontinue. Previously paid premiums would not be refunded.

//NOTHING FOLLOWS//