

**DEPARTMENT OF HOMELAND SECURITY  
BOARD FOR CORRECTION OF MILITARY RECORDS**

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Application for Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2024-119**

██████████ ██████████  
Former Spouse of ██████████ ██████████ ██████████ ██████████ (deceased)

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**FINAL DECISION**

This proceeding was conducted according to the provisions of 10 U.S.C. § 1552 and 14 U.S.C. § 2507. The Chair docketed the case after receiving the completed application on March 12, 2024, and assigned the case to a staff attorney to prepare the decision pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated March 6, 2025, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

**APPLICANT'S REQUEST**

The applicant is the former spouse of a deceased Coast Guard retiree, MKCS K, who died while receiving non regular retired pay. The applicant divorced MKCS K in 2015, and he subsequently died in 2018. MKCS K did not change his election of Survivor Benefit Plan (SBP) coverage to "former spouse," and applicant was found ineligible to receive SBP payments after his death. Applicant asks that we correct MKCS K's record to reflect a timely change in SBP election to allow her to collect benefits as a former spouse.

**SUMMARY OF THE RECORD**

MKCS K served a career in the Coast Guard. He became eligible to receive non-regular retirement upon turning 60 in July 2002.

Applicant and MKCS K were married from 1986 until they divorced on August 26, 2015. Their divorce decree required that MKCS K designate applicant "as beneficiary of the following Annuity: U.S Coast Guard." While not specifically referencing the SBP, this is apparently the only such annuity the decree would be referencing.

MKCS died on August 20, 2018. He had continued to pay SBP premiums until his death, and the applicant remained his beneficiary for final pay. However, as she was no longer his spouse, she was ineligible to receive SBP payments.

### **VIEWS OF THE COAST GUARD**

On February 3, 2025, a JA for the Coast Guard submitted an advisory opinion which adopted program input from the Personnel Service Center (PSC) recommending that the Board grant relief in this case.

The JA made several arguments, including that it was MKCS K's responsibility to change his SBP election, that the applicant should have known to request a deemed election from the Coast Guard, and that no Coast Guard personnel acted improperly or committed error.

### **APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD**

The applicant was provided the views of the Coast Guard, but did not submit a response.

### **APPLICABLE LAW AND POLICY**

10 U.S.C. Chapter 73, Subchapter II, sets forth the legal entitlements and requirements for the SBP. In particular, 10 U.S.C. § 1448(b)(3) requires a change in SBP election within one year of divorce to continue coverage for a spouse who becomes a former spouse.

### **FINDINGS AND CONCLUSIONS**

The Board makes the following findings and conclusions based on the applicant's military record and submissions, the Coast Guard's submission and applicable law:

1. The Board has jurisdiction over this matter under 10 U.S.C. § 1552(a) because the applicant is requesting correction of an alleged error or injustice in his Coast Guard military record. The Board finds that the applicant has exhausted his administrative remedies, as required by 33 C.F.R. § 52.13(b), because there is no other currently available forum or procedure provided by the Coast Guard for correcting the alleged error or injustice that the applicant has not already pursued. The application was made within 3 years of discovery of the alleged error or injustice and is therefore timely.

2. The applicant submitted voluminous evidence of MKCS K's medical condition in support of her application. The Coast Guard also provided a lengthy advisory opinion which focused on the relative fault of the applicant and the Coast Guard for this situation. Neither are

