



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

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Docket No. 10661-23
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 9 May 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 be enrolled in Survivor Benefit Plan (SBP) Spouse coverage during the Open Season Enrollment. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that in accordance with Department of Defense Financial Management Regulation 7000.14-R, SBP Former Spouse coverage may be reinstated when the remarriage before age 55 is terminated by death of spouse or when the remarriage is terminated by divorce or annulment. Pursuant to Public Law 117-263 § 643, the recent SBP open season enrollment from 23 December 2022 through midnight, eastern standard time on 1 January 2024, afforded retirees that declined SBP coverage or those that discontinued coverage the opportunity to change their election to participate in SBP. However, retirees who were already participating in SBP for any beneficiary were not eligible to make an election to add beneficiaries during this open season enrollment.

A review of your record reflects that on 17 November 1992, your Final Judgement of Dissolution of Marriage directed you to designate and maintain SBP coverage with your former spouse as the sole beneficiary. On 23 May 1997, SBP coverage and premium deductions discontinued. You married your current spouse on 15 June 2002. On 22 October 2023, you signed Letter of Intent

(LOI) to Enroll During the SBP Open Season for Spouse only coverage. Thereafter, Defense Finance and Accounting Service responded to your correspondence on 24 April 2024, indicating, “[p]resently, there is no beneficiary for SBP, however if your former spouse were to again become an eligible beneficiary, she may reapply for benefits.” Therefore, the Board determined a change to your record is not warranted per the aforementioned policy.

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,

5/24/2024

