

Election, from a former spouse. A retiring member electing Former Spouse coverage should complete the election on a DD Form 2656, Data Payment for Retired Personnel.

A review of your record reflects that you divorced your former spouse on 13 March 2006; Judgement of divorce ordered you to maintain SBP coverage with your former spouse designated as the beneficiary. Per the judgment, you were not to cancel or reduce said coverage nor change the beneficiary thereof. On 17 September 2012, you married your current spouse. On 2 May 2021, your spouse signed DD Form 2656, Data for Payment of Retired Personnel before a notary witness with an election of SBP Child only coverage at the reduced base amount of \$3,042. However, you did not sign the form, thereby deeming the election invalid. Thereafter, you transferred to the Retired List effective 1 August 2021 and automatically enrolled in SBP Spouse coverage. On 15 March 2022, your former spouse signed DD Form 2656-10, Survivor Benefit Plan (SBP) Former Spouse Request for Deemed Election and your SBP coverage changed from Spouse to Former Spouse coverage at the full gross pay level of coverage in accordance with your Judgement of divorce. The Board determined that amending your SBP Former Spouse level of coverage would undermine the court order, therefore 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,

10/16/2024

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Deputy Director

Signed by: █