



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

██████████
Docket No. 7465-24
Ref: Signature Date

██████████
██████████
██████████

Dear ██████████,

This is in reference to your application for correction of your spouse's 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 11 December 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 spouse's naval record and applicable statutes, regulations, and policies.

You requested to change your spouse's record to reflect he elected Survivor Benefit Plan (SBP) coverage with you as the beneficiary within 1-year of marriage. The Board, in its review of your spouse's entire record and your application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that Department of Defense Financial Management Regulation 7000.14-R outlines the requirements for SBP elections. Specifically, the election to participate in or decline SBP coverage is irrevocable and a member who acquires a new spouse after retirement must make an election within 1-year of the event. However, enrollment may be accomplished during an open season. Although there are no regular recurring open season periods as they occur only when there are major changes to the SBP program and must be specifically prescribed by law, there were three open seasons subsequent to your spouse's retirement and your marriage; 1 April 1992 to 30 March 1993; 1 March 1999 to 29 February 2000; and 1 October 2005 to 30 September 2006.

A review of your spouse's record reflects that he transferred to the Retired List effective 1 September 1981. The Defense Finance and Accounting Service (DFAS) has no SBP election form on file for your spouse, but the DFAS retired pay system indicates he declined SBP coverage at the time of retirement and did not make any SBP premium payments. You and your

spouse married on 25 October 1984 and your spouse passed away on 29 September 2023. The Board could not find, nor did you provide evidence of your spouse electing to participate in SBP within 1-year of marriage or during the aforementioned open seasons, therefore determined a change to your spouse's record is not warranted. Additionally, the Board noted retirees receive a monthly Retiree Account Statement that outlines pay descriptions to include SBP coverage information, consequently your spouse would have reasonable been aware that he was not participating in SBP coverage.

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,

12/20/2024

