



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

Docket No. 1032-25
Ref: Signature Date

Dear [REDACTED]

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.

A three-member panel of the Board, sitting in executive session, considered your application on 31 July 2025. 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.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You requested to change your naval record to reflect that you declined participation in Survivor Benefit Plan (SBP). The Board, in its review of your entire record and your application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that Department of Defense Instruction 1332.42 outlines the requirements for SBP elections. Specifically, the election to participate in or decline SBP coverage is irrevocable. All Service member who are eligible to participate in SBP upon retirement but who fail to make an election before the date they are placed on the retired list will, by law automatically have full immediate SBP coverage for dependent spouse and/or children as of the date placed on the retired list. Any change in SBP election subsequent to retirement will be done through an administrative correction of records as permitted by law.

A review of your record shows you divorced your spouse on 10 July 2018 and SBP Former Spouse coverage was not ordered by the court, however, Defense Enrollment Eligibility Reporting System (DEERS) does not reflect that you have reported the divorce. On 12 May 2022, you signed DD Form 2656-10, Survivor Benefit Plan (SBP) Former Spouse Request for Deemed Election; the principal purpose of this form is to be used by a former spouse to deem an election for SBP Former Spouse coverage when a Service member fails or refuses to do so, not for Service member's to decline SBP participation. On 30 September 2022, you transferred to the Fleet Marine Corps Reserve and on 1 October 2022, you were automatically enrolled in SBP Spouse coverage because Defense Finance and Accounting Service (DFAS) did not receive a copy of your DD Form 2656, Data for Payment of Retired Personnel prior to date of retirement. On 21 February 2023, DFAS responded to your inquiry regarding being erroneously enrolled in SBP Spouse coverage and advised that action could not be taken because additional information was needed: a completed Survivor Benefit Plan Automatic Coverage Fact Sheet (DD Form 2656-8); and a copy of your divorce decree.

The Board could not find, nor did you provided evidence of providing DFAS the aforementioned documents. Therefore, the Board determined you have not exhausted your administrative recourse by submitting the requested documents to DFAS and as a result, determined that a change to your record by the Board is not warranted. The Board recommended that you update DEERS to reflect your divorce and provide DFAS with a completed DD Form 2656-8 and a copy of your complete divorce decree.

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,

8/22/2025

