



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

██████████  
Docket No. 1034-25

Ref: Signature Date

██████████  
██████████  
██████████

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.

A three-member panel of the Board, sitting in executive session, considered your application on 4 December 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 also 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.

In ██████████ your dependent child ██████████ was born, in ██████████ your dependent child ██████████ was born, and in ██████████ your dependent child ██████████ was born.

On 29 July 1993 you married [██████.] and acquired two dependent stepchildren, born in ██████████. In May 1996 you divorced [██████.].

In November 1996 you remarried [██████.] and in ██████████ your dependent child ██████████ was born.

In accordance with Department of Defense (DoD) 7000.14-R Financial Management Regulation (FMR) Volume 7B, Chapter 43, 2.2 Survivor Benefit Plan (SBP) Elections. In the case of a member electing a standard SBP annuity, the member must make such election before retired pay becomes payable, or if there is no eligible beneficiary at that time, within 1 year of acquiring an eligible beneficiary. All elections are irrevocable once the member is placed on the retired list, unless otherwise provided by law.

4.1.2 Every retiring member who is married at retirement is automatically enrolled in SBP

for full coverage unless the spouse consents in writing to reduced coverage or no coverage before the first day of eligibility to receive retired pay. 4.1.3 A member with an eligible spouse and dependent child on the date of retirement who has obtained the concurrence of their spouse: 4.1.3 .1. Declines coverage is prohibited from electing into the SBP, even after obtaining a new spouse, except under section 8.0; 4.1.3.2 Refuses coverage for an eligible spouse, and chooses to elect coverage for child only, is prohibited from electing spouse coverage at a later date, even after obtaining a new spouse, except under section 8.0... 8.0 OPEN SEASON PERIODS. 8.1 Regular Recurring Open Season for Enrollment and Discontinuation. There are no regular recurring open season periods. Open seasons must be specifically prescribed by law. The most recent SBP open season, which was authorized by section 643 of PL 117-263, began December 23, 2022, and ends January 1, 2024, allows eligible members to participate or discontinue participation. For this open season, an "eligible member" is a retired member or former member who, on December 22, 2022, is entitled to retired pay, or would be entitled to retired pay but for the member or former member is under the eligibility age to receive retired pay. In the absence of such a legislatively prescribed period, members may only enroll or disenroll as specified in this chapter.

You were transferred to Fleet Reserve with an honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 18 April 1989 to 30 April 2003 upon having sufficient service for retirement.

In August 2003 you got divorced [██████████]. Furthermore, the State of ██████████ in the Circuit Court for the County of ██████████ issued a Judgment of Divorce. "The parties shall cooperate in the preparation and entry of a Qualified Domestic Relations Order awarding the Alternate Payee benefits for the Participant's pension plan. The division date for determining the Alternate Payee's share of the Participant's normal retirement benefit is the date of entry of the Judgment of Divorce."

On 13 August 2013, Commander, Navy Personnel Command (PERS-91) notified you that "[u]nder 10 U.S.C. § 6331, upon your completion of 30 years of active/inactive duty service or otherwise meeting eligibility requirements, the Secretary of the Navy authorized your transfer to the Retired List of the Regular Navy/Navy Reserve. Per MILPERSMAN 1820-010, we transferred you to the Retired List effective 01 December 2012."

In May 2015 you married [██████████.] and in ██████████ your dependent stepchild ██████████ was born.

In June 2020 you divorced [██████████.]. Furthermore, the State of ██████████ in the Circuit Court for the County of ██████████ Division issued a Consent Judgment of Divorce, and Stipulated Order Restoring Defendant's Maiden Name (Excerpt from Judgment of Divorce). "More particularly, the Plaintiff [you] is awarded all rights and interest in his Navy Retirement, Veteran's Administration benefits, and Social Security Disability benefits."

In October 2023 you married [██████████] current spouse.

On 7 February 2024, the Defense Finance and Accounting Service (DFAS) notified you that "[t]his letter responds to the request we received from you on October 26, 2023. The DFAS is unable to process your request to add your spouse to your [SBP]. While you sent in a request to add your current spouse within one year of the date of marriage, you did not send in a request to add your previous spouse within one year of the date of marriage. Therefore, you cannot add spouse coverage to SBP.

