



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED] Docket No. 1930-25

Ref: Signature Date

[REDACTED]

Dear Petitioner,

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 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.

In October 1987 you married [REDACTED] and divorced in June 1992.

In accordance with Department of Defense (DoD) 7000.14-R Financial Management Regulation (FMR) 7000.14-R FMR Volume 7B, Chapter 43, 6.1 Later-Acquired Spouse and/or Child. A member who acquires a new spouse and/or child after retirement must make an election within 1 year of the event with the exception that there is no time restriction on the election period for a change under subparagraph 6.1.2.5.

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 Survivor Benefit Plan (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 the 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 28 February 1987 to 28 February 1995 upon having sufficient service for retirement.

In September 1995 you married [REDACTED]

On 1 October 2003, Commanding Officer, Naval Reserve Personnel Center notified you that "[u]nder Title 10, U.S. Code, Section 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/Naval Reserve. Per MILPERSMAN 3860440, we transferred you to the Retired List effective the date indicated below."

On 22 January 2025, Defense Finance and Accounting Service (DFAS) notified you that "[y]ou are receiving this correspondence in response to your request to add your spouse to your [SBP] received on 10-0ct-2024.

What you need to know. The [DFAS] is unable to add your spouse as an eligible participant on your [SBP]. To add a spouse, the retired member must submit their request, prior to the one year anniversary of the date of initial eligibility. You were married on 14-Sep-1995, therefore, you had until 14-Sep-1996, to make a request to DFAS to add your spouse."

On 7 February 2025, you completed a SBP Election Change Certificate (DD Form 2656-6) listing the following: "Section IV - Requested change to coverage, block 9 (Place an X in the appropriate box to indicate your election) Spouse only. Section V – Level of Coverage, block 10 Full Retired Pay. Section VI -Spouse and Child(ren) information, block 11a (Spouse's Name) [REDACTED]. Section VII – Member Signature, you signed and was notary witness on 7 February 2025."

On 3 November 2025, you and your spouse both signed an affidavit indicating that you desired your SBP election to be changed to reflect spouse only category SBP coverage. You indicated that you "I received insufficient SBP information/counseling prior to my date of retirement."

The DFAS HUNT system shows that you were not enrolled in SBP spouse coverage effective 1 March 1995, and Current cost \$0.00.

You requested to establish SBP coverage for your current spouse. 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 on 28 February 1995 you transferred to the Fleet Reserve. At that time, you were divorced and the Certificate of Absolute Divorce or Annulment makes no indication of a requirement for SBP Former Spouse coverage. In September 1995 you married your current spouse, however the DFAS received your first request

to establish SBP Spouse coverage on 10 October 2024. In accordance with DoD FMR 7000.14-R, a member who acquires a new spouse and/or child after retirement must make an election within 1 year of the event. Therefore, the Board determined that you do not meet the eligibility criteria to elect coverage for your spouse. Additionally, the Board agreed you had the opportunity to take advantage of the option to enroll in SBP Spouse coverage during the open season periods of 1 October 2005 through 30 September 2006 and 23 December 2022 through 1 January 2024 but did not. Open Season information was provided on the Retiree Account Statement, therefore you should have been reasonably aware of the ability to enroll in SBP coverage during those times. Therefore, the Board 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,

12/11/2025

