



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

██████████
Docket No. 4052-25
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 8 January 2026. 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.

In December 1994, you married ██████████, and your dependent child, ██████████, was born in March 2000.

On 11 October 2005, a General Magistrate of the Circuit Court of the Ninth Judicial Circuit in and for ██████████, signed your Report of Findings and Recommendation(s), which stated: "Marital Settlement Agreement. The Wife and Husband have entered into a Marital Settlement Agreement executed by the parties and filed with the court on 4 August 2005 and an Addendum to Marital Settlement Agreement executed by the parties and filed with the court on 22 August 2005 resolving all issues between them."

On 31 October 2005, a Judge of the Circuit Court of the Ninth Judicial Circuit in and for ██████████, signed your Final Judgment of Dissolution of Marriage and Order on Report of

General Magistrate. In accordance with the Defense Enrollment Eligibility Reporting System, your dependent spouse was terminated on 8 December 2005.

Department of Defense 7000.14-R Financial Management Regulations, Volume 7B, Chapter 43 states: “4.1.5. A member with a dependent child, who was unmarried on the date of retirement, may elect spouse coverage upon subsequent marriage regardless of whether coverage was elected for their dependent child. The election must be received by the Secretary concerned within 1 year of the marriage date.”

Having completed sufficient service for retirement, you 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 25 April 1994 to 30 June 2016.

In October 2023, you married ██████████.

On 1 July 2025, Commander, MyNavy Career Center notified you that “[p]er 10 U.S.C. § 8331, upon your completion of 30 years of Active/Inactive Duty or meeting eligibility requirements, the Secretary of the Navy authorized your transfer to the Retired List of the Regular Navy. Per MILPERSMAN 1820-010, you have been transferred to the Retired List effective 1 May 2024. DD Form 363N is your Certificate of Retirement.”

On 24 March 2025, the Defense Finance and Accounting Service HUNT system listed SBP coverage for "child only" effective 1 July 2016. Your current cost is \$0.00.

On 5 January 2026, you and your spouse signed an SBP Affidavit indicating your desire to change your SBP election to "Spouse only" coverage. You indicated that you “received insufficient SBP information/counseling prior to [your] date of retirement.” You requested to establish Survivor Benefit Plan (SBP) coverage for your current spouse.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, including your assertions. The Board noted that on 11 October 2005, the General Magistrate signed the Report of Findings and Recommendation(s). Included in those findings was the statement: “The Marital Settlement Agreement executed by the parties and filed with the court on 4 August 2005, and an Addendum to Marital Settlement Agreement executed by the parties and filed with the court on August 22, 2005, are hereby approved, ratified, confirmed and incorporated by reference into this Final Judgement of Dissolution of Marriage.” Your divorce was finalized on 31 October 2005, and the Final Judgement of Dissolution of Marriage and Order on Report of General Magistrate indicates, “The Report of General Magistrate dated the 11th day of October 2005, is ratified, approved, and incorporated in this order.” Effective 1 July 2016, you transferred to the Fleet Reserve, and SBP "Child only" coverage premium deductions began, which were then discontinued on 1 July 2022. You married your current spouse on 2 October 2023.

The Board concluded you did not meet the eligibility criteria in accordance with Department of Defense 7000.14-R Financial Management Regulations. Specifically, the policy indicates that a member who acquires a new spouse after retirement must make an election within one year of

the marriage to cover that new spouse. Furthermore, the Board could not find, nor did you provide, evidence of an attempt to enroll in SBP Spouse coverage during the Fiscal Year 2023 Open Season or within one year of your marriage. Open Season information was provided on your Retiree Account Statement; therefore, you should have been reasonably aware of the ability to enroll in SBP coverage during that time.

Finally, the Board determined that it would be inappropriate to consider granting you relief to establish SBP coverage for your current spouse without reviewing a copy of the agreement referred to in your divorce decree to verify if coverage was ordered for your former spouse. Therefore, the Board determined that a change to your record is not warranted at this time.

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,

1/13/2026

