



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

██████████
Docket No. 5126-25

Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USNR RET,
██████████ (DECEASED)

Ref: (a) Title 10 U.S.C. § 1552

(b) DoD 7000.14-R FMR, Volume 7B, Chapter 43

Encl: (1) DD Form 149 w/attachments

(2) Subject's Naval record

1. Pursuant to the provisions of reference (a), Subject's daughter, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that her father's naval record be corrected to show that Subject elected Survivor Benefit Plan (SBP) Former Spouse coverage within 1-year of divorce from second spouse.

2. The Board, consisting of ██████████, ██████████ and ██████████ reviewed Petitioner's allegations of error and injustice on 15 January 2026, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Subject's naval record, and applicable statutes, regulations, and policies.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. In accordance with reference (b), Upon Retirement (Retiring Members). 4.4.1.1. If a member becomes eligible to participate and has a former spouse and dependent child, who resulted from that marriage, member may elect former spouse or former spouse and child coverage.

Following Retirement (Retired Members). 4.4.2.1. A member with spouse or spouse and child coverage may, within 1 year of date of the decree of divorce, dissolution, or annulment, whichever is later, change that election to provide an annuity to a former spouse or to a former spouse and child.

b. On 23 June 1964, Subject entered active duty for 4 years.

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[REDACTED] (DECEASED)

c. Subject was discharged with an honorable character of service and was issued an Armed Forces of the United States Report of Transfer or Discharge (DD Form 214N) for the period of 10 July 1967 to 29 October 1970 due to early separation under authorized program or circumstance – BUPERSMAN 3850220/TRANSMAN CHAP 30, 305.

d. On 26 June 1975, Subject signed a Dependency Application/Record of Emergency Data (NAVPERS 1070/602) listing the following: On 19 July 1969, Subject married [REDACTED]. On 17 September 1968, Subject's dependent child [REDACTED] was born. On 17 December 1970, Subject's dependent child [REDACTED] was born. On 16 December 1974, Subject's dependent child [REDACTED] was born.

e. On 14 March 1977, Subject divorced first spouse; Divorce Decree did not order SBP Former Spouse coverage.

f. On 28 February 1978, Subject signed a Dependency Application/Record of Emergency Data (NAVPERS 1070/602) listing the following: On 29 May 1977, Subject married [REDACTED]. On 17 September 1968, Subject's dependent child [REDACTED] was born. On 17 December 1970, Subject's dependent child [REDACTED] was born. On 16 December 1974, Subject's dependent child [REDACTED] was born.

g. On 15 January 1982, Subject signed a Dependency Application/Record of Emergency Data (NAVPERS 1070/602) listing the following: On 19 July 1969, Subject got married [REDACTED]. On 17 September 1968, Subject's dependent child [REDACTED] was born. On 17 December 1970, Subject's dependent child [REDACTED] was born. On 16 December 1974, Subject's dependent child [REDACTED] was born. On 14 June 1981, Subject's dependent child [REDACTED] was born.

h. On 2 May 1986, Commander, Naval Military Personnel Command notified Subject that “[t]he Notification of Eligibility, enclosure (1), recognizes you have satisfactorily completed the legal requirements for retired pay at age 60. This document is NOT a retirement authorization.

When you want to transfer either to the Retired Reserve without pay or to the Naval Reserve Retired List with pay at age 60, you must apply in writing as per MILPERSMAN 3860580 or 3860520. You must complete retirement action while you are still a member of the Naval Reserve to get full benefits.

Issuing the NOE entitles you to make an election under the Reserve Component Survivor Benefit Plan to provide survivor coverage. To ensure survivor entitlements, you must make an election within 90 days of receiving this letter.”

i. On 4 December 1986, Commanding Officer, Naval Reserve Personnel Center notified Subject that “[y]ou are therefore transferred to the Retired Reserve in accordance with Title 10, U. S. Code, Sections 1376(a) and 274 effective 1 November 1986 as a Chief Machinist's Mate but without pay or allowances authorized, by Title 10, U. S. Code, Chapter 67.”

j. On 4 February 1999, Subject and second spouse, [REDACTED] entered into Separation Agreement outlining the second spouse would be the Subject's SBP beneficiary.

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[REDACTED] (DECEASED)

k. On 10 February 1999, Subject divorced second spouse, [L] and the Separation Agreement was incorporated in its entirety but not merged into the final Judgement of Divorce.

l. On 21 March 2006, Subject transferred to the Retired Reserve with pay; RCSBP and SBP premium deductions began with second spouse, [REDACTED] listed as the annuitant in the HUNT system.

m. On 18 February 2025, Subject passed away with a different named surviving spouse listed on death certificate.

n. On 14 May 2025, Petitioner notified the Board that, "I make this affidavit in support of the Application for Correction of Military Record of [REDACTED], the former spouse of [REDACTED]. Based upon my conversations with my father throughout his life, my father was very clear that it was his intention that his second wife, [REDACTED], would receive any benefits due under his retirement annuity (SBP). This was his intent during their marriage and following their divorce. This was his intent during their marriage and following their divorce. My father was very clear prior to his death that it was his intent that [REDACTED] receive the benefits under the SBP and requested that I assist her in applying for same following his death. Upon information and belief, my father was not aware that he needed to update DFAS to change the status of [REDACTED] to former spouse upon their divorce, nor was she aware that she could update the record. He married twice more and never changed the beneficiary because he had agreed for [REDACTED] to remain as the beneficiary and did not know that the divorce terminated her rights without further action by him. I hereby request that you grant the Application of [REDACTED] to correct my father's military record to name [REDACTED] as former spouse and beneficiary of the SBP."

o. On 15 May 2025, DFAS HUNT system provided the following: RCSBP OPT – DEFER RCV dated 3 July 1986. CURR ELEC – Spouse dated 21 March 2006. Furthermore, Months Paid 227. Costs – Spouse \$79.70. RCSBP 40.47. Current Cost \$120.17. Current ANTNT [REDACTED].

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. The Board concluded Subject failed to change his RCSPB election from Spouse to Former Spouse coverage within 1-year of divorce. However, the Board surmised that in an effort to honor the Judgement of Divorce, Subject mistakenly elected SBP Spouse vice Former Spouse coverage prior to his transfer to the Retired Reserve with pay. The Board further determined that Subject more than likely believed that he maintained SBP Former Spouse coverage due to his continued SBP premium payments. Although Subject did not complete the proper administrative requirements, the Board determined that under this circumstance, relief is warranted.

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[REDACTED] (DECEASED)

RECOMMENDATION

That Subject's naval record be corrected, where appropriate, to show that:

Subject changed RCSBP election from "Spouse" to "Former Spouse" coverage maintaining the same beneficiary, at the same level of coverage as previously elected within 1-year of divorce on 10 February 1999.

Subject elected SBP Former Spouse coverage naming [REDACTED] as beneficiary, at the full gross pay level of coverage prior to his transfer to the Retired Reserve with pay effective 21 March 2006. Note: Former Spouse must complete the steps outlined on the Defense Finance and Accounting website (<https://www.dfas.mil/RetiredMilitary/survivors/ApplySBP/>) within 6 years of Subject's death to claim SBP annuity.

A copy of this report of proceedings will be filed in Subject's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above titled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

1/21/2026

