



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

██████████
Docket No. 5664-25
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 (the 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 22 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.

In accordance with Department of Defense 7000.14-R Financial Management Regulation Volume 7B, Chapter 43, in accordance with DoD 7000.14-R FMR Volume 7B, Chapter 43, 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...

Deemed Elections. Deemed elections are applicable in cases where a member enters, incident to a proceeding of divorce, dissolution, or annulment, into a written agreement to elect to provide an SBP annuity to a former spouse, and such agreement has been incorporated in, ratified or approved by a court order, or has been filed with the court of appropriate jurisdiction in accordance with applicable state law. Deemed elections are also applicable in cases where the member is required by a court order to make a former spouse election. If such member fails or refuses to make such election, the member is deemed to have made such election if the Secretary concerned receives a completed Department of Defense (DD) Form 2656-10SBP Former Spouse Request for Deemed Election, from a former spouse or the former spouse's attorney on behalf of the former spouse. A copy of the pertinent court order or agreement referring to the SBP coverage must accompany the DD

2656-10. See subparagraph 4.4.3.1. Effective September 27, 2008, use of the DD 2656-10 to make a deemed election is mandatory.

6.0 CHANGES IN ELECTION AND COVERAGE. 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.

6.1.1. A member who is participating with spouse or spouse and child coverage and who does not have an eligible spouse beneficiary may, upon remarriage: resume coverage, increase the level of coverage up to and including full retired pay, or elect not to have spouse coverage resumed. Unless a member elects not to cover the new spouse within 1 year after the marriage, spouse coverage automatically resumes at the first anniversary of the marriage.

On 26 April 2025, you and witnessed signed Survivor Benefit Plan Election Change Certificate listing the following: Section II (Current Coverage) block 7 (My current Coverage is) No coverage. Section III block 8 (I Am Requesting a Change in Coverage Based on) Remarriage and Resume existing level of coverage for my new spouse. Section IV (Requested Change to Coverage) Spouse only. Section V (Level of Coverage) block 10 Full retired pay. Section VI (Spouse and Child(ren) Information) block 11a (Spouse's Name) [current spouse].

The Defense Finance and Accounting Service HUNT system listed the following: CURR ELEC-NO BENFY DT 20240901, ORIG ELEC- SPS & CHD DT 20100901, MONTHS PAID 166, COSTS SPOUSE 230.98, CURRENT COST 0.00, and CURRENT ANTNT [BLANK].

On 20 December 2025, you and your spouse signed an SBP Affidavit indicating that you desired Petitioner's SBP election to be changed to reflect Spouse only category SBP coverage. You indicated that you "received sufficient SBP information/counseling prior to my retirement, however I did not understand the program."

You requested to establish Survivor Benefit Plan (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. You were married to your first spouse from July 1992 to December 1997 and during this time had four children. You notified the Board that you were unable to obtain a copy of the divorce decree because you have been divorced for 25 years and currently live in separate states with no contact. In December 1997, you married your second spouse and had two additional children. You transferred to the Fleet Reserve effective 1 September 2010 and enrolled in SBP Spouse and Child(ren) coverage. On 8 October 20214, you entered into a Marital Settlement Agreement with your second spouse indicating in part, "[h]usband shall be responsible for the payments of any premiums paid for the Survivor Benefit Plan. The Plan shall be for the benefit of the Wife...Husband shall name Wife as the irrevocable beneficiary of the Survivor Benefit Plan. This provision is a "deemed election" which Wife may directly enforce." Your divorce was finalized in December 2014, and the Judgment of Dissolution ordered the Marital Settlement Agreement be executed. In January 2017, you married your current spouse. The Board determined that it would be inappropriate to go against the Superior Court of ██████████, County of ██████████ to authorize SBP coverage for anyone

other than your second spouse. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

2/3/2026

