



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

██████████
Docket No. 7124-25
Ref: Signature Date

██████████
██████████
██████████

Dear ██████████,

This is in reference to your application for correction of your spouse's 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 5 March 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 spouse's naval record and applicable statutes, regulations, and policies.

You requested to establish eligibility to receive Survivor Benefit Plan (SBP) annuities. The Board, in its review of your spouse's entire record and your application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that the National Defense Authorization Act Fiscal Year 2016, Public Law 114-92, section 641, amended the SBP law to allow for members to elect spouse coverage after the death of a former spouse. When a person who is married at the time of death of the former spouse beneficiary and elects to provide coverage to their spouse, the election must be received by the Secretary concerned within one year from the date of the death of the former spouse beneficiary or during an applicable open season.

A review of your spouse's record indicates he transferred to the Retired Reserve without pay effective 1 November 1978. The Defense Finance and Accounting Service Retired Pay and Annuity system reflects that he elected SBP Spouse and Child coverage. On 31 December 1999, your spouse divorced his first spouse, and SBP Spouse and Child coverage was changed to SBP Former Spouse coverage. You married your spouse on 15 June 2002. Thereafter, his former spouse passed away on 24 December 2018 and SBP Former Spouse coverage discontinued.

The Board could not find, nor did you provided sufficient evidence to reflect your spouse's intention to elect SBP Spouse coverage subsequent to his former spouse's death. Therefore, the Board determined that a change to your spouse's record is not warranted, thereby rendering you ineligible to receive an SBP annuity.

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,

3/31/2026

