



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

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Docket No. 7216-25
Ref: Signature Date

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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 19 February 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.

You requested to decline participation in Survivor Benefit Plan (SBP). The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that Department of Defense Financial Management Regulation 7000.14-R specifies that SBP elections must be made prior to retired pay becoming payable and the election to participate in or decline SBP is irrevocable. When the member elects to decline coverage or provide the spouse with less than the maximum SBP coverage available, written notarized spouse concurrence is required. If not all requirements for an election have been satisfied prior to retirement, for whatever reason, full spouse costs, and coverage will be implemented, regardless of any request by the member to do otherwise.

Retirees may withdraw from the plan within 25 to 36 months after receiving retired pay; when the retiree loses an eligible beneficiary to death or divorce; when their disability rating remains 100% for at least 10 years (or 5 years from the date of retirement); or during an applicable open season. Previously paid premiums are not be refunded.

A review of your record shows that at the time of your transfer to the Temporary Disability Retired List on 14 August 2004, you were married and had one child. On 15 August 2004, you

were automatically enrolled in SBP Spouse coverage due to non-receipt or invalid election. Thereafter, you transferred to the Permanent Disability Retired List effective 1 September 2006. On 7 December 2020, you divorced your first spouse. If you notified the Defense Finance and Accounting Service of your divorce, your SBP Spouse coverage would have been suspended during the time you were not married. On 16 September 2023, you married your second spouse and had the ability to decline coverage before SBP Spouse coverage automatically resumed on your one year anniversary.

The Board could not find, nor did you provide evidence of declining SBP coverage with your spouse's notarized concurrence, prior to retirement. Additionally, the Board noted that upon retirement, retirees receive a monthly Retiree Account Statement that outlines pay descriptions to include SBP coverage information. Consequently, the Board determined you would have been reasonably aware that you were enrolled in SBP coverage and had ample opportunity to terminate coverage in the voluntary discontinuation period of 25 to 36 months after retirement or elect not to resume coverage during the year preceding your one year anniversary to your current spouse. Additionally, the Board resolved you received SBP coverage from 15 August 2004 through 6 December 2020, followed by 16 September 2024 to present and your beneficiary would have received an annuity if something happened to you during these times. Therefore, the Board determined that a change to your record is not warranted.

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,

3/16/2026

