



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

██████████
Docket No. 10231-25
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 14 May 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 September 1993, you married [██████████]. In October 1997, your dependent child [██████████] was born, followed by your second dependent child [██████████] in February 2002. On 1 December 2003, you were promoted to First Sergeant (E-8).

On 8 January 2007, the Commandant of the Marine Corps notified you that, per MCO P1900.16F, a review of your record indicated eligibility to receive Reserve Retired Pay at age 60. This notification did not automatically transfer you to a retired status; you were required to request retirement in accordance with paragraph 3016 of MCO P1900.16F. You were advised that failure to request retirement would result in separation at the expiration of your contract, potentially reducing the value of your retired pay.

On 9 April 2007, your Career Retirement Credit Record for the period of 22 October 1986 to 31 May 2007 listed: Total Inactive Duty Points: 1,193; Total Active Duty Points: 1,863; Total Points Credit: 3,056; Total Satisfactory Years: 20; and Total Qualifying Service: 20-07-10.

On 23 April 2007, the Commandant of the Marine Corps approved your request of 5 February 2007. You were transferred to the Retired Reserve Awaiting Pay at Age Sixty on 31 May 2007. Our records show that, as of 1 June 2007, your grade for retired pay is First Sergeant, you have 3,056 creditable points, and you completed 20 years, 7 months, and 10 days of qualifying service. Effective 25 January 2007, you elected Option C (Immediate Annuity) under the Reserve Component Survivor Benefit Plan (RCSBP).

In accordance with DoD 7000.14-R, Financial Management Regulation, Volume 7B, Chapter 54:

- Section 4.1: Members notified of eligibility for non-regular retirement may elect to participate in RCSBP within a 90-day window. If married or having dependent children, participation is automatic at the maximum level (Option C) unless the member explicitly elects otherwise with spousal concurrence.
- Section 4.3: The base amount may be full retired pay or a reduced amount (no less than \$300). Spousal concurrence is required if the member elects less than the maximum coverage.
- Section 6.2.3: A member may, within one year of a divorce decree, change an election to provide the RCSBP annuity to a former spouse.

On 21 July 2022, your Settlement Agreement stipulated that the Plaintiff shall elect the Defendant to receive 50% survivor benefits under such pensions, if available. On 22 July 2022, you were divorced. The Final Judgment and Decree of Divorce incorporated the Settlement Agreement by reference.

On 19 November 2022, you married [██████████].

On 31 May 2024, you and your current spouse signed an RCSBP Election Certificate (DD Form 2656-5) electing Option C for "Former Spouse" coverage at a reduced base amount of \$300.00. This form included notarized spousal concurrence from your current spouse.

On 25 June 2024, a Clarifying Order designated your former spouse as the beneficiary with a defined base amount of 32.5% of SBP or the minimum \$300/month. On 12 July 2024, a Military Pension Division Order directed the completion of DD Form 2656-1 to change the beneficiary from "Spouse" to "Former Spouse" and instructed the former spouse to file a "Deemed Election" (DD Form 2656-10).

On 27 February 2026, you and your current spouse signed an SBP Affidavit requesting the change to "Former Spouse" coverage, noting that previous filings were either not on file or invalid.

You will reach age 60 on 23 September 2028. You requested to change your SBP election from "Spouse" to "Former Spouse" coverage at a reduced amount of \$300. While you have provided notarized concurrence from your *current* spouse, the Board notes that your *former* spouse is currently covered under the original RCSBP Option C (full coverage).

Because the proposed change reduces the coverage amount from full pay to \$300, the Board requires evidence of the former spouse's concurrence. The DD Form 2656-10 signed by the former

spouse on 27 June 2024 does not indicate her agreement to a reduced rate. Without her notarized concurrence for a reduction in benefits, the Board cannot change your record. Therefore, the Board determined that relief 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,

5/19/2026

