



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

██████████
Docket No.5290-26
Ref: Signature Date

██████████
██████████
████████████████████

Dear ██████████,

This is in reference to your application for correction of your father's naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your father's 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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 18 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 father's naval record and applicable statutes, regulations, and policies.

On 20 October 1967, Subject entered active duty.

In November 1967, Subject's dependent child ██████████ was born. In November 1969, Subject married ██████████. In September 1970, Subject's second dependent child ██████████ was born and third dependent child ██████████ was born in August 1973.

On 3 June 1983, Subject died.

Naval Military Personnel Command – Report of Casualty issued on 7 June 1983 noting subject died on 3 June 1983.

On 12 July 1983, Office of Servicemen's Group Life Insurance notified Subject's widow that "[e]nclosed is our check with represents the full amount payable to you in accordance with the law governing this insurance."

In accordance with 10 U.S.C. §1448 published in 1994, Application of Plan. (a)(1) The program established by this subchapter shall be known as the Survivor Benefit Plan. The following persons are eligible to participate in the Plan: (A) Persons entitled to retired pay.
(B) Persons who would be eligible for reserve-component retired pay but for the fact that they are under 60 years of age...

In accordance with Public Law 107-107, section 642 published on 28 December 2001, Survivor Benefit Plan Annuities for Surviving Spouses OF Members Who Die While on Active Duty and Not Eligible for Retirement. (a) Surviving Spouse Annuity.—Paragraph (1) of section 1448(d) of title 10, United States Code, is amended to read as follows: (1) Surviving Spouse Annuity.—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of— "(A) a member who dies while on active duty after— "(i) becoming eligible to receive retired pay; "(ii) qualifying for retired pay except that the member has not applied for or been granted that pay; or "(iii) completing 20 years of active service but before the member is eligible to retire as a commissioned officer because the member has not completed 10 years of active commissioned service; or "(B) a member not described in subparagraph (A) who dies in line of duty while on active duty.

Effective Date.—The amendments made by this section shall take effect as of September 10, 2001, and shall apply with respect to deaths of members of the Armed Forces occurring on or after that date.

On 4 November 2025, Subject's widow signed a Verification for Survivor Annuity (DD Form 2656-7).

On 21 November 2025, the Defense Finance and Accounting Service notified Subject's widow that "[t]his letter is in response to your recent claim for a survivor annuity, based on the Survivor Benefit Plan (SBP) or Reserve Component Survivor Benefit Plan (RCSBP) of the military service member listed below...

We cannot identify the above-named individual, indicated on your claim, as a former military service member. Please ensure you provided the correct name and SSN."

You requested that your mother receive SBP annuity after the death of your father on 3 June 1983. The Board, in its review of your father's entire record and your application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that under the original SBP, an SBP benefit was payable to eligible dependents following the death of an active duty member if the servicemember at the time of death was entitled to retired pay. Legislation did not expand coverage to the survivors of individuals who died while on active duty and were not retirement eligible until 10 September 2001. A review of your father's record indicates he served on active duty from 10 October 1967 to 3 June 1983; completing less than 16 years of active duty service, thereby rendering your mother ineligible for an SBP annuity at the time of his death. Therefore, the Board determined a change to your father's 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,

5/26/2026

