



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

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Docket No. 2313-21

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 27 October 2021. 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 change your record to reflect declined participation in the 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 outlines the requirements for SBP elections. Specifically, the policy indicates the election to participate in or decline SBP coverage is irrevocable. A review of your record indicates you signed DD Form 2656, Data for Payment of Retired Personnel on 16 January 2018 electing SBP Spouse and Children coverage at the full gross pay level of coverage. Subsequently, you divorced your spouse on 13 February 2018. On 12 March 2018, Defense Finance and Accounting Service (DFAS) received your DD Form 2656, Data for Payment of Retired Personnel and placed you in automatic enrollment upon your transfer to the Temporary Disability Retired List effective 30 March 2018 due to missing information in blocks 31d, e, f, and g. On 16 August 2021, you submitted a DD Form 2656-8, SBP Automatic Coverage Fact Sheet, showing you were divorced and as a result, DFAS changed your coverage to SBP Child only coverage effective 30 March 2018 and adjusted your premium deductions accordingly. Although your contentions state you were unaware, you enrolled in the program; your record reflects a direct intention to cover your eligible family members under SBP.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

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,

11/8/2021

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