



**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. 3485-22  
Ref: Signature Date

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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.

A three-member panel of the Board, sitting in executive session, considered your application on 22 June 2022. 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.

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 requested correction to your father's naval record to reflect he declined participation in Reserve Component Survivor Benefit Plan (RCSBP) and Survivor Benefit Plan (SBP). Additionally, you requested a refund of premiums to be paid to his beneficiaries. The Board, in its review of your father's entire record and your 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 RCSBP and SBP elections. Specifically, the policy indicates the election to participate in or decline RCSBP and SBP coverage is irrevocable. However, the policy authorizes service members to discontinue SBP coverage by submitting DD Form 2656-2, SBP Termination Request to Defense Finance and Accounting Service (DFAS), within 24 to 36 months after receiving retired pay.

A review of your father's record reflects he transferred to the Retired Reserve without pay effective 1 October 1995. Subsequently, your father was issued Notification of Eligibility to Receive Retired Pay at Age 60 and Participate in the RCSBP. On 14 February 1996, he signed NRPC 1772/3, RCSBP and elected Option "C" (Immediate Annuity) for former spouse and children at the full-retired pay level of coverage with 10% level of supplemental coverage. On 3 December 2008, your father transferred to the Retired Reserve with pay. Thereafter, during the discontinuation window, your father attempted to terminate SBP coverage but did not submit the required DD Form 2656-2, SBP termination request form; therefore, DFAS deemed the request to terminate invalid. On 10 June 2022, DFAS confirmed to the Board that your father's election certificate was received and validated the annuitant elected by him.

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,

6/29/2022

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Deputy Director

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