



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. 4258-22
Ref: Signature Date

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Dear █,

This is in reference to your application for correction of your spouse's naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your spouse'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 14 September 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 spouse's naval record and applicable statutes, regulations, and policies.

You requested to establish eligibility to receive Reserve Component Survivor Benefit Plan (RCSBP) annuity. The Board, in its review of your spouse'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 specifies that members notified of completion of the years of service required for retired pay eligibility for non-regular retirement must make an election to decline or elect coverage within 90-days of receiving notification. The election to participate in or decline RCSBP is irrevocable. However, a member who does not have a spouse or dependent child at the time of eligibility for the program may elect RCSBP coverage within 1-year of acquiring a spouse or dependent child. A review of your spouse's record indicates he was issued Notification of Eligibility to Receive Retired Pay at Age 60 and Participate in the RCSBP on 29 May 2002. The aforementioned notification provided your spouse with information on the RCSBP, an Election Certificate and direction on making an election within 90-days of receiving the letter. On 27 August 2002, Navy Personnel Command (PERS-912) did not receive an RCSBP Election Certificate from your spouse and he was automatically enrolled in RCSBP Option "A" (decline to make an election until age 60) in accordance with the abovementioned policy. You and your spouse married on 2 September 2006 and he transferred to the Retired Reserve awaiting pay at age 60 effective

1 November 2006. Thereafter, your child was born on 3 November 2007. Conversely, the Board could not find, nor did you provided evidence that your spouse elected to participate in RCSBP coverage within 1-year of your marriage and/or your child's date of birth, thereby rendering you both ineligible for RCSBP annuity.

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,

9/29/2022

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Deputy Director

Signed by: █