



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. 8611-22
Ref: Signature Date

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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 7 December 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 naval record and applicable statutes, regulations, and policies.


You requested to decline 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 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 reduced coverage with spousal concurrence within 90-days of receiving notification. The election to participate in or decline Reserve Component Survivor Benefit Plan (RCSBP) is irrevocable. After 1 January 2001 a member who is married or has a dependent child is automatically enrolled in RCSBP if an election is not received within 90-days of receiving notification. A review of your record indicates you were issued Notification of Eligibility to Receive Retired Pay at Age 60 and Participate in the RCSBP on 4 May 2006. The aforementioned notification provided you with information on the RCSBP, an Election Certificate and direction on making an election within 90-days of receiving the letter. On 2 August 2006 Navy Personnel Command (PERS-912) did not receive an RCSBP Election Certificate from you, therefore, you were automatically enrolled in RCSBP Option C (Immediate Annuity) Spouse and Child coverage. On 29 July 2022 you transferred to the Retired Reserve with pay, your coverage changed from RCSBP to SBP coverage, and premium deduction began

for both coverages in accordance with the aforementioned policy. However, the Board noted that you are authorized to discontinue SBP coverage by submitting DD Form 2656-2, SBP termination request to Defense Finance and Accounting Service, within 25 to 36 months after receiving retired pay effective 29 July 2022.

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,

12/15/2022

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