



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. 8676-22
Ref: Signature Date

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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.

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 19 April 2023. 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 in a manner that would refund all Survivor Benefit Plan (SBP) premiums you have paid into the plan due to your spouse's death. 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 and discontinuing SBP coverage. Specifically, the policy indicates the election to participate in or decline SBP coverage is irrevocable but service members may terminate their election during a 1-year period, which begins on the second anniversary of the date of retirement. The policy further specifies that SBP premiums are suspended for spouse or former spouse coverage when there is no longer an eligible beneficiary. Whether SBP coverage is terminated, or suspended, premiums for properly elected SBP coverage is not refundable.

A review of your record reflects, you properly elected SBP Spouse coverage and transferred to the Fleet Reserve effective 1 July 1988. Your spouse passed away on 26 November 2014, and Defense Finance and Accounting Service appropriately suspended your SBP coverage effective the same date in accordance with the aforementioned directive. The Board could not find, nor

did you provide evidence of an error with your election and there is no indication that you requested termination of coverage within the prescribe time. On the contrary, the Board found that you maintained SBP Spouse coverage from the time of retirement, therefore, had your death preceded your spouse, she would have received an SBP 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,

4/25/2023

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Deputy Director

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