

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

> Docket No. 1588-23 Ref: Signature Date

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 31 May 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 remove your child from the Survivor Benefit Plan (SBP) in order to stop the Reserve Component Survivor Benefit Plan (RCSBP) premiums from being deducted from your non-regular retired pay. 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 (if applicable) within 90-days of receiving notification. The election to participate in or decline Reserve Component Survivor Benefits 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. Children are eligible SBP/RCSBP beneficiaries until they reach the age of 18 or 22 if they are enrolled as a full time student while attending an institute of higher learning. The Reserve Component premiums is the reduction in retired pay made for the RCSBP coverage that was already provided while the member awaited the requisite age of entitlement to retired pay.

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 23 March 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. Navy Personnel Command (PERS-912) did not receive an RCSBP Election Certificate from you within the allotted time; therefore, you were automatically enrolled in RCSBP Child coverage. You began receiving retired pay effective 20 February 2020, and was never enrolled in the SBP coverage. However, the Board noted that you are currently paying a monthly premium of \$10.44 for RCSBP coverage received during the gray-area; consequently, a change to your record is not warranted.

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,