

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

> Docket No. 3712-23 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 17 January 2024. 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 Reserve Component Survivor Benefit Plan (RCSBP) and Survivor Benefit Plan (SBP) with premium refund. The Board, in its review of your 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 (DODFMR) 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 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. RCSBP coverage for the member's survivors commences but premiums are not paid until the member first becomes actually entitled to retired pay. They are distinct from the standard premium reductions made for SBP coverage that is provided after the member becomes entitled to retired pay.

A review of your record reflects you married your spouse on 14 November 1998 and had two dependent children born on 1 July 1986 and 30 March 1989. On 25 June 2003, you were issued Notification of Eligibility to Receive Retired Pay at Age 60 and Participate in the RCSBP. 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. Proof of delivery indicates the letter was received on 22 July 2003. However, Navy Personnel Command (PERS-912) did not receive an RCSBP Election Certificate from you within the allotted time; therefore, you were automatically enrolled in Option C (Immediate Annuity) RCSBP Spouse and Children coverage. On 25 July 2022, you transferred to the Retired Reserve with pay, your coverage changed from RCSBP to SBP coverage, and premium deductions began for both coverages in accordance with DODFMR. Defense Finance and Accounting Service approved your request to discontinue participation in SBP effective 1 April 2023. Consequently, SBP standard premium deductions were stopped but RCSBP premiums continued for RCSBP coverage received from 22 July 2003 to 24 July 2022. Therefore, the Board determined that 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,

	1/24/2024
Deputy Director	
Signed by:	

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