



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. 8002-23
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 4 October 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.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You requested that the balance due for the Survivor Benefit Plan (SBP) be eliminated. 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. Specifically, the policy indicates, SBP elections must be made prior to retired pay becoming payable. An election for a natural person with an insurable interest may be made only when the member is not married and does not have any dependent children upon becoming eligible to participate. However, an SBP participant may choose to voluntarily discontinue SBP participation during a 1-year period which begins on the second anniversary of the date of commencement of retired pay. Once participation is discontinued under this provision, no

benefits may be paid in conjunction with the member's previous participation. Furthermore, no refund of any premiums properly collected will be made.

A review of your record indicates you signed DD Form 2656, Data for Payment of Retired Personnel on 30 July 2019 and elected to provide coverage for your father, ■ who you listed as an insurable interest beneficiary. You transferred to the Temporary Disability Retired List effective 30 August 2019 and premium deductions for SBP coverage began. On 31 August 2022, you signed DD Form 2656-2, Survivor Benefit Plan (SBP) Termination Request, and Defense Finance and Accounting Services (DFAS) terminated your SBP coverage and stopped premium deductions effective 1 October 2022. Thereafter, you requested a refund of SBP premiums and DFAS redirected you to the Board.

The Board determined the DD Form 2656, Data for Payment of Retired Personnel you signed on 30 July 2019 provided you an option to decline participation in SBP but you elected coverage for your father instead. Additionally, you properly elected to discontinue SBP coverage and signed the termination request acknowledging no refund of cost for SBP will be made. The Board agreed, that you received SBP coverage from 30 August 2019 through 30 September 2022 and your beneficiary would have received an annuity if something happened to you during this time, therefore relief 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,

10/13/2023

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