

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 April 2025

DOCKET NUMBER: AR20240008854

APPLICANT REQUESTS: correction of her record to show disenrollment from the Survivor Benefit Plan (SBP) with reimbursement of any previously paid payments.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Divorce Decree showing she was divorced on 1 September 2023, the decree is silent pertaining to SBP
- SBP Worksheet
- Email correspondence pertaining to SBP whether declined or accepted
- DD Form 2656 (Data for Payment of Retired Personnel), 14 March 2025, wherein she declined to participate in SBP

FACTS:

1. The applicant states, in pertinent part:

- she was improperly recorded as married at the time of her separation and therefore, was automatically enrolled into SBP
- she completed the forms declining coverage before leaving her unit but later discovered they were never received by the Defense Finance and Accounting Service (DFAS)
- the form not being received by DFAS was not of her wrongdoing and therefore should be corrected

2. A review of the applicant's available service record reflects the following:

- On 26 August 2019, she enlisted in the Regular Army and served continuously until her medical retirement
- On 14 November 2023, a Physical Evaluation Board convened finding her physically unfit and recommended permanent disability retirement with a rating of 30 percent

- DD Form 214 (Certificate of Release or Discharge from Active Duty) shows an honorable retirement for disability, permanent with service from 26 August 2019 to 14 January 2024 for a net active service of 4 years, 4 months, and 19 days

3. On 26 February 2025, DFAS provided the DA Form 2656-8 (SBP – Automatic Coverage Fact Sheet) showing she is not married and has no dependents, and a copy of the divorce decree dated 1 September 2023.

BOARD DISCUSSION:

After reviewing the application and all supporting documentation, the Board found the relief was warranted. The applicant's contentions were carefully considered. Based upon the preponderance of the evidence, the Board agreed that it was through no fault of the applicant that her declination of SBP coverage was not properly processed. The Board noted that the applicant was not married at the time of retirement and had submitted a DD Form 2656 on 14 March 2025 clearly indicating her intent to decline SBP coverage. The Board further acknowledged that her earlier attempt to decline coverage prior to separation was not received by DFAS, and that this administrative oversight should not penalize the applicant. Therefore, the Board determined the record should be corrected to show the applicant was not enrolled in SBP upon retirement and is entitled to reimbursement of any premiums erroneously collected.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:XXX	:XXX	:XXX	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined that the evidence presented was sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by showing she properly declined the Survivor Benefit Plan (SBP) on 14 March 2025, and her election was received and processed in a timely manner by the appropriate DFAS office. Such relief should result in the repayment of any previously paid SBP premiums.

//SIGNED//
X

CHAIRPERSON

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Public Law 92-425, the SBP, enacted 21 September 1972, provided that military members on active duty could elect to have their retired pay reduced to provide for an annuity after death to surviving dependents.
3. Department of Defense Financial Management Regulation, Volume 7b, states, elections in writing signed by the member, which contain all information necessary for declining coverage, are acceptable. Spousal concurrence is required when the member elects to decline coverage. The Secretary concerned may revoke an election when necessary to correct an administrative error. Once participation is discontinued under this provision, no benefits may be paid in conjunction with the members' previous participation. No refund of any premiums properly collected will be made.

//NOTHING FOLLOWS//