

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 September 2025

DOCKET NUMBER: AR20240010348

APPLICANT REQUESTS: correction of his records to show he declined the Survivor Benefit Plan (SBP).

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 199 (Informal Physical Evaluation Board (PEB) Proceedings)
- Memorandum Permanent Disability Retirement
- Order D 293-25 Retirement
- DD Form 2656 (Data for Payment of Retired Personnel)

FACTS:

1. The applicant states, in pertinent part:

- He retired from the Army and submitted his DD Form 2656 to Defense Finance Accounting Service (DFAS) electing not to participate in SBP
- Because the form was filled out after his retirement, DFAS did not validate it
- He told DFAS no one told him about SBP prior to his retirement
- He did not get to see a Retirement Service Officer prior to his retirement
- He found out about completing the DD Form 2656 when he was reading

2. The applicant provides, his service record shows, and DFAS provides:

- On 18 July 2013, he enlisted in the U.S. Army Reserve
- On 14 October 2023, he underwent a PEB and was found physically unfit for duty; the board recommended a 50 percent disability rating and that he be placed on the Permanent Disability Retired List (PDRL)
- On 20 October 2023, he was informed he would be placed on the PDRL
- On 20 October 2023, orders were published placing him on the PDRL effective 20 November 2023
- On 6 December 2023, he completed a Data for Payment of Retired Pay showing he declined SBP coverage; his spouse signed the form on 6 December 2023

- DFAS provides an SBP - Automatic Coverage Fact Sheet that is not dated or signed by the applicant
- On 4 September 2024, DFAS sent the applicant a letter requesting he sign, date and have the SBP - Automatic Coverage Fact Sheet witnessed

3. On 24 June 2025, DFAS responded to a request for information stating the applicant has automatic coverage of SBP effective 20 December 2023, the date of his retirement

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on public law, policy, and regulation. The evidence of record shows the applicant enlisted in the USAR on 18 July 2013, and on 14 October 2023 a PEB found him physically unfit. He was placed on the PDRL on 20 November 2023. On 6 December 2023, he completed a DD Form 2656 showing him and his spouse declined SBP coverage. The Board noted the applicant has a one-year window to terminate SBP between his 2nd and 3rd year anniversary following retirement and he should apply during the withdrawal window. Therefore, the Board denied relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

X //Signed//

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, enacted 21 September 1972, established the SBP. The SBP 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. An election, once made, was irrevocable except in certain circumstances. Elections are made by category, not by name. The election must be made before the effective date of retirement or coverage defaults to automatic spouse coverage. Since its creation, it has been subjected to a number of substantial legislative changes.
2. Public Law 105-85, enacted 18 November 1997, established the option to terminate SBP participation. Retirees have a 1-year period beginning on the second anniversary of the date on which their retired pay started to withdraw from the SBP. The spouse's concurrence is required. No premiums will be refunded to those who opt to disenroll. The effective date of termination is the first day of the first calendar month following the month in which the election is received by the Secretary concerned.
3. Title 10, U.S. Code, section 1454 (Correction of Administrative Errors), states the Secretary concerned may, under regulations prescribed under section 1455 of this title, correct or revoke any election under this subchapter when the Secretary considers it necessary to correct an administrative error.

//NOTHING FOLLOWS//