

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 August 2025

DOCKET NUMBER: AR20240012502

APPLICANT REQUESTS: termination of his Survivor Benefit Plan (SBP)

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

DD Form 149 (Application for Correction of Military Record)

FACTS:

1. The applicant states, he would like his SBP canceled as he was not told he would be paying out of pocket for this coverage. He was told he would not have to pay and it was just something the Army offered. He does not want SBP as he believes he can find something that will better benefit his family.

2. The applicant's service record shows and Defense Finance Accounting Service (DFAS) provided:

- On 14 May 2015, he enlisted in the Army National Guard
- On 4 May 2017, the applicant's daughter was born
- On 12 October 2018, the applicant and K- H- were married
- On 7 June 2024, he underwent a Physical Evaluation Board Proceeding wherein he was found physically unfit for duty and the board recommended he be placed on the permanent disability retired list (PDRL)
- On 13 June 2024, a memorandum informed the applicant he was found physical unfit for duty and received a 70 percent disability rating and would be permanently retired
- On 13 June 2024, an order was published placing the applicant on the retired list effective 14 July 2024
- On 3 July 2024, the applicant received counseling regarding the SBP
- On 3 July 2024, the applicant completed a Data for Payment of Retired Personnel, wherein he elected SBP coverage for his spouse and child(ren)
- On 13 July 2024, he was honorably transferred to the PDRL
- On 22 July 2024, orders were published placing him on the PDRL effective 14 July 2024
- On 28 March 2025, DFAS sent a letter to his U.S. Representative regarding the applicant's SBP coverage

- On 6 June 2025, he completed a SBP Termination Request; his wife concurred with the request to terminate SBP

3. DFAS responded to a request for information stating the applicant's current SBP is for spouse coverage.

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 applicant enlisted in the ARNG on 17 May 2015. On 8 July 2024, he endorsed DD Form 2656 electing "spouse and child" coverage. He was medically retired on 13 July 2024. The legal opine provided by the ARBA legal advisor noted the applicant's SBP counseling (provided by the applicant) line 3 indicates a \$0.00 SBP cost to the applicant. The Board noted the applicant has a one-year window to terminate SBP between his 2nd and 3rd anniversary following retirement. The Board concluded the applicant's election was not in error or injustice and denied relief.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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. 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. Title 10, U.S. Code, section 1448, requires notice to a spouse if a member elected not to participate in the SBP. The statute also provided for automatic enrollment for spouse coverage at the full base amount unless a member affirmatively declined to participate in the SBP prior to receiving retired pay.
3. Public Law 99-145, enacted 8 November 1985 but effective 1 March 1986, required written concurrence by the spouse in a member's decision to decline the SBP or elect spouse coverage at less than the full base amount.
4. 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.
5. Department of Defense Instruction 1332.42 (Survivor Annuity Program Administration) states a member may elect to discontinue participation by submitting a DD Form 2656-2 (SBP Termination Request) during the period that is more than 2 years but less than 3 years after the first date of entitlement to receive retired pay. The member must submit the request no earlier than the 1st day of the 25th month, and no later than the last day of the 36th month from the date of entitlement to retired pay, with spousal concurrence if applicable. A member electing to terminate coverage is not eligible for continuation in the Program; however, the member has 30 days after submitting a request to discontinue participation to revoke the request.

//NOTHING FOLLOWS//