

## **DEPARTMENT OF THE NAVY**

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

> Docket No. 8093-23 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 April 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 a waiver for Survivor Benefit Plan (SBP) indebtedness. 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 and the election to participate in or decline SBP coverage is irrevocable. SBP gives all retiring Uniformed Services retirees an opportunity to elect to have their retired pay reduced by a designed amount in or to provide their survivors an annuity payable after the retiree's death. An election for natural person with insurable interest (NIP) may be made only when the member is not married and does not have any dependent children upon becoming eligible to participate. A member must elect full coverage when electing for a NIP. A member who is participating in SBP with coverage for an NIP (not former spouse) may voluntarily terminate their participation in SBP. However, no premiums are refunded as a result of terminating coverage and no premiums will be charged after the effective date of termination unless the member has Reserve Component Survivor Benefit Plan coverage.

A review of your record reflects that you signed DD Form 2656, Data for Payment of Retired Personnel on 20 December 2020 and elected "coverage for the person named in Block 37 who

has an insurable interest in me" at the full gross pay SBP level of coverage. You provided your fiancé's name, social security number, date of birth, address, phone number and email address in Block 37 (Insurable Interest Beneficiary). On 25 February 2021, you transferred to the Temporary Disability Retired List without a spouse or dependent children and Defense Finance and Accounting Service (DFAS) began SBP NIP premium deduction on 26 February 2021. You got married on 28 October 2022 and, on 3 February 2023, you and your spouse signed DD Form 2656-2, Survivor Benefit Plan (SBP) Termination Request. On 15 March 2023, DFAS notified you, the DD Form 2656-2 could not be used to terminate NIP coverage and provided directions on how to terminate SBP NIP coverage. You submitted your request as directed on 10 April 2023 and DFAS retroactively discontinued your SBP NIP coverage effective 1 January 2023. Therefore, the Board determined that a change to your record is not warranted because you received SBP coverage from 26 February 2021 through 31 December 2022 as elected, and your beneficiary would have received an annuity if something happened to you during that time.

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.

