



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

█  
Docket No. 9400-23  
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.

A three-member panel of the Board, sitting in executive session, considered your application on 21 March 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 to change your record to reflect declined participation in the Survivor Benefit Plan (SBP) prior to retirement. 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. Additionally, written spouse concurrence is required when the member elects to decline coverage or provide the spouse with less than the maximum SBP coverage available. The signature of the spouse must be notarized. If all requirements for an election needing the spouse's concurrence have not been satisfied prior to retirement, full spouse costs and coverage will be implemented. However, service members are eligible to discontinue SBP coverage by submitting DD Form 2656-2, SBP Termination Request to Defense Finance and Accounting Service (DFAS), within 25 to 36 months after receiving retire pay.

A review of your record reflects you married █ on 6 March 2007 and had two children. On 1 January 2023, you transferred to the Fleet Reserve and was automatically enrolled in SBP Spouse coverage because DFAS did not receive your DD Form 2656, Data for Payment of Retired Personnel electing to decline participation in SBP coverage with spousal

concurrency prior to retirement. At the request of the Board, you provided an SBP Affidavit signed by you and your spouse on 15 March 2024 as additional verification that your spouse is in concurrency with discontinuing SBP coverage. The Board determined that it could not accept an affidavit that did not contain the notary witness signature, therefore a change to your record 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,

4/4/2024

