



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

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Docket No. 9635-23
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 2 May 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.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You requested to decline Reserve Component Survivor Benefit Plan (RCSBP) and Survivor Benefit Plan (SBP) coverage. 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 specifies that members notified of completion of the years of service required for retired pay eligibility for non-regular retirement must make an election to decline or elect reduced coverage with spousal concurrence within 90 days of receiving notification. The election to participate in or decline RCSBP is irrevocable. After 1 January 2001, a member who is married or has a dependent child is automatically enrolled in RCSBP if an election is not received within 90 days of receiving notification. Additionally, the policy indicates RCSBP coverage for the member's survivors commences but premiums are not paid until the member first becomes actually entitled to retired

pay. RCSBP premium deductions are for the coverage provided while the member awaited the requisite age of entitlement to retired pay. RCSBP premiums are distinct from the standard premiums which are reductions made for the SBP coverage that is provided after the member becomes entitled to retired pay. Furthermore, RCSBP and SBP Children coverage continues until the youngest unmarried child turns age 18 or age 22 and pursuing a full-time course of study in a recognized educational institution.

A review of your record reflects you were issued Notification of Eligibility (NOE) to Receive Retired Pay at Age 60 and Participate in the RCSBP on 28 November 2007. The aforementioned notification provided you with information on the RCSBP, an Election Certificate, and direction on making an election within 90 days of receiving the letter. Navy Personnel Command (PERS-912) did not receive an RCSBP Election Certificate from you within 90 days of you receiving the NOE, resulting in your automatic enrollment in Option C (Immediate Annuity) RCSBP Spouse and Child coverage. You transferred to the Retired Reserve without pay effective 1 December 2007, and thereafter, transferred to the Retired Reserve with pay effective 7 August 2023. Upon transferring to the Retired Reserve with pay, your coverage changed from RCSBP to SBP coverage, and premium deductions began for both coverages in accordance with the abovementioned policy. However, you discontinued SBP participation via the Open Enrollment Season and SBP premium deductions stopped on 13 September 2023. The Board noted that you received RCSBP coverage from the time of automatic enrollment through 6 August 2023 and your beneficiary would have received an annuity if something happened to you during this time. Therefore, the Board determined 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,

5/23/2024

