

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

> Docket No. 453-24 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 28 August 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 Survivor Benefit Plan (SBP). 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 SBP elections must be made prior to retired pay becoming payable and the election to participate in or decline SBP is irrevocable. If not all requirements for an election needing the spouse's concurrence have been satisfied prior to retirement, for whatever reason, full spouse costs, and coverage will be implemented, regardless of any request by the member to do otherwise. However, service members are eligible to discontinue SBP coverage by submitting DD Form 2656-2, Survivor Benefit Plan (SBP) Termination Request to Defense Finance and Accounting Service (DFAS), within 25 to 36 months after receiving retire pay.

A review of your record indicates you married your spouse on 20 December 2019. Thereafter, you transferred to the Permanent Disability Retired List effective 23 February 2023 and automatically enrolled in SBP Spouse only coverage because DFAS did receive a copy of your DD Form 2656, Data for Payment of Retired Personnel before retirement. On 12 July 2023, DFAS received a letter from you, with a DD Form 2656, Data for Payment of Retired Personnel

electing to decline participation in SBP. The form was signed by you on 12 January 2023, witnessed on 13 January 2023, and was missing spousal concurrence. DFAS was unable to honor your declination because the form was received after retirement, your signature date was 1-day prior to your witness date, and you did not have spousal concurrence.

The Board determined you did not submit evidence of your spouse's location that rendered her unavailable to provide spousal concurrence to your election to decline participation in SBP. Therefore, the Board determined a change to your record is not warranted but noted that you are eligible to discontinue SBP coverage within 25 to 36 months after receiving retire pay effective 23 February 2023.

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,