



**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. 681-24  
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 18 September 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 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 the Defense Finance and Accounting Service (DFAS), within 25 to 36 months after receiving retire pay.

A review of your record indicates you were married to your first spouse from 30 March 2007 to 13 July 2018; your Decree of Divorce ■ did not direct SBP Former Spouse coverage. On 16 July 2018, you married your current spouse. On 13 January 2022, you electronically signed DD Form 2656, Data for Payment of Retired Personnel and elected SBP Spouse and Children coverage at the full gross pay level of coverage; your signature was not witnessed, and this is the form transmitted to the DFAS for processing. You transferred to the Fleet Reserve effective 1 March 2022 and automatically enrolled in SBP Spouse and Children coverage because your signature was not witnessed on DD Form 2656, Data for Payment of Retired Personnel. Although you provided the Board with a DD Form 2656, Data for Payment of Retired Personnel whereby you elected to not participate in SBP coverage with proper spousal concurrence, your signature was not witnessed and the DFAS did not receive this form for processing.

The Board determined there was no evidence provided, to overcome the burden of regularity, to show you submitted a DD Form 2656, Data for Payment of Retired Personnel electing to decline SBP coverage to your separating agency prior to your retired pay becoming payable, and that the administration department failed to forward your form to the DFAS. 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 retired pay effective 1 March 2022.

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,

10/4/2024

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