



**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. 1057-24  
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 4 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.

You requested to cancel your 2023 Survivor Benefits Plan (SBP) Open Season enrollment. 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 in accordance with Department of Defense Financial Management Regulation 7000.14-R SBP elections must be made prior to retired pay becoming payable and the election to participate in or decline SBP is irrevocable. Any change in SBP election subsequent to retirement will be done through an administrative correction of records as permitted by law. Pursuant to Public Law 117-263 § 643, enacted on 23 December 2022, a person not participating in the SBP on the day before the first day of the open season may elect to participate during the open season. The open season described in this subsection is the period beginning on the date of the enactment of this Act and ending on 1 January 2024. A member who enrolls during the open season, will be responsible to pay retroactive SBP premium costs that would have been paid if they had enrolled at retirement (or enrolled at another earlier date, depending on the member's family circumstances). Additionally, members who elected to participate in an open season had the ability to cancel within 30 days of making the election.

A review of your record reflects you signed NAVMC 118 (11), Administrative Remarks on 9 March 2000 acknowledging “I have been counseled concerning SBP and fully understand the automatic enrollment and future enrollment provisions of the Plan.” On 23 August 2002, you and your spouse signed NAVMC 118 (11), Administrative Remarks accepting your election not to participate in SBP. You transferred to the Fleet Marine Corps Reserve effective 1 October 2002. On 27 March 2023, you signed Letter of Intent (LOI) to Enroll During the SBP Open Season with the intention to enroll in SBP Spouse only coverage at the full gross retired pay level of coverage. On 5 April 2023, the Defense and Finance Accounting Services (DFAS) notified you that your LOI was received on 29 March 2023 and provided you SBP Open Enrollment cost estimates of \$260.78 (monthly premium cost) and \$73,599.94 (buy-in premium estimate) for Spouse only coverage. On 18 April 2023, you signed Survivor Benefit Plan (SBP) and Reserve Component Survivor Benefit Election Plan (RCSBP) Open Enrollment Election form, and elected SBP Spouse only coverage at the full gross retired pay level of coverage. You chose the Enrollment Premium Option “[b]ased on the estimate I received, I elect to initiate a Voluntary Payment Plan for the amount of the “buy-in premium” due to be deducted in 12 equal monthly installments, plus installment interest either from my retired pay or from my CRSC [Combat-Related Special Compensation] pay; or I will make direct payments in 12 equal monthly installments plus installment interest via Direct Remittance to DFAS.” On 27 April 2023, your SBP Spouse coverage premium deductions began. On 15 June 2023 and 28 June 2023, you signed Section IV of the SBP Open Season 2023 Voluntary Payment Plan form certifying that you have read, fully understand and agree to the terms of the SBP Open Season 2023 Voluntary Payment Plan. On 29 September 2023, you requested the DFAS cancel your SBP premium deductions. On 21 December 2023, the DFAS denied your request because it was not received within 30 days of your SBP Open Season enrollment signature. Similarly, the Board found insufficient evidence of an error or injustice in your naval record. Accordingly, based on the foregoing, the Board denied your petition.

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,

9/19/2024

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