



premiums are distinct from Survivor Benefit Plan (SBP) premiums. In accordance with Office of the Assistant Secretary of Defense Memorandum “Implementing and Procedural Guidance for Section 643 of PL 117-263, December 23, 2022, Survivor Benefit Plan Open Season” members with RCSBP coverage who are discontinuing must still pay premiums for coverage already received once they begin receiving retired pay.

A review of your record reflects that on 7 May 2001, you were issued Retirement Order and Transfer Authorization to Retired Reserve Status/Notification of Eligibility (NOE) for Retired Pay at Age 60 and Elections Available Under the RCSBP with an effective date of 1 May 2001; your spouse signed for the letter. 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. On 11 May 2001, your spouse was issued a letter to acquaint her with basic information that could assist you with making an RCSBP election. 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 RCSBP “Option C” (Immediate Annuity) coverage. On 10 September 2021, you signed DD Form 2656, Data for Payment of Retired Personnel and elected SBP Spouse only coverage at the full gross pay level of coverage. Thereafter, you transferred to the Retired Reserve with pay effective 24 October 2021. 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 DODFMR. On 30 January 2023, you and your spouse signed before a notary witness the Survivor Benefit Plan (SBP) and Reserve Component Survivor Benefit Plan (RCSBP) Open Season Election to Discontinue Participation form. By signing this form, you acknowledged, “No Premium Refund...For RCSBP coverage already received, you will still be charged the premiums owed for that coverage at eligibility age.” Your SBP coverage discontinued on 1 March 2023.

The Board noted that you received RCSBP coverage from the time of automatic enrollment through 23 October 2021 and your beneficiary would have received an annuity if something happened to you during this time. Therefore, the Board determined that 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,

9/27/2024

