



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

██████████
Docket No. 2329-24
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 26 June 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 Reserve Component Survivor Benefit Plan (RCSBP) and refund of premiums. 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 the Department of Defense Financial Management Regulation (DODFMR) 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 Survivor Benefit Plan (SBP) premiums. Additionally, in accordance with Bureau of Naval Personnel Instruction 1001.39E, one of the criterion for maintaining satisfactory participation in the drilling Navy Reserve is members must keep their Naval Reserve Activity Commanding Officer informed of their current address.

A review of your record revealed you were issued Notification of Eligibility (NOE) to Receive Retired Pay at Age 60 and Participate in the RCSBP on 14 February 2006. 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 RCSBP "Option C" (Immediate Annuity) coverage. On 1 April 2009, you transferred to the retired reserve without pay and thereafter, transferred to the retired reserve with pay effective 2 August 2022. 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. The Board noted that you received RCSBP coverage from the time of automatic enrollment through 2 August 2022, and your beneficiary would have received an annuity if something happened to you during said time. Therefore, the Board determined that a change to your record is not warranted and noted that you may discontinue SBP coverage by submitting DD Form 2656-2, SBP Termination Request to the Defense Finance and Accounting Service, within 25 to 36 months after receiving retire pay effective 2 August 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,

7/1/2024

