

## **DEPARTMENT OF THE NAVY**

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

> Docket No. 3519-24 Ref: Signature Date

Dear

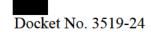
This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found 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 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.

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 declined participation in the Survivor Benefits 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 in accordance with Department of Defense Financial Management Regulation 7000.14-R, written spousal concurrence is required when the member elects to decline coverage or provide the spouse with less than the maximum SBP coverage available, to include electing child-only coverage. The signature of the spouse must be notarized. Additionally, SBP elections must be made prior to retired pay becoming payable and the election to participate in or decline SBP is irrevocable.

A review of your record reflects you signed DD Form 2656, Data for Payment of Retired Personnel on 18 April 2022 and elected SBP Spouse and Children coverage at the full gross pay level of coverage. On 27 April 2022, you transferred to the Temporary Disability Retired List



and SBP Spouse and Children premium deductions began. Thereafter, you transferred to the Permanent Disability Retired List effective 31 October 2023.

The Board could not provide, nor did you provide evidence of proper spouse concurrence with declining SBP participation prior to retirement. Moreover, the Board noted that you received SBP Spouse and Children coverage from the time of enrollment and your beneficiaries 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 and advised that you may discontinue SBP coverage by submitting DD Form 2656-2, Survivor Benefit Plan (SBP) Termination Request to the Defense Finance and Accounting Service, within 25 to 36 months after receiving retired pay effective 28 April 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.

