

DEPARTMENT OF THE NAVY

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

> Docket No. 3631-24 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 16 October 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 declined 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. However, 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. 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. There are a limited number of circumstance in which a military retiree may choose to withdraw from SBP coverage. Retirees may withdraw from the plan within 25 to 36 months after receiving retired pay; when the retiree loses an eligible beneficiary to death or divorce; or when their disability rating remains 100% for at least 10 years (or 5 years from the date of retirement).

A review of your record reflects that on 15 September 2023 you signed DD Form 2656, Data for Payment of Retired Personnel, electing SBP Spouse only coverage based on the full gross pay level of coverage. Thereafter, you transferred to the Retired List effective 1 January 2024 and SBP Spouse only premium deductions began. On 16 February 2024, you sent a letter to the

Defense Finance and Accounting Service (DFAS) requesting to suspend your SBP coverage indicating, "[w]hen I was completing my process to retire from the Marine Corps after 30 years of service. I was not informed that my contribution to the survivors benefit plan would be over 6% of my gross pay. My wife and I have decided we don't need the benefit plan and we're electing to the suspend the coverage." Attached to your letter, the DFAS received a partial DD Form 2656-6, Survivor Benefit Plan Election Change Certificate. The DFAS records indicate you only submitted DD Form 2656-6 (BACK) showing you were electing to suspend coverage signed by you in block 14 on 5 February 2024, and block 16 indicating your witness was a Notary Public named with no witness date annotated in block 16.c. Furthermore, there was no evidence or your spouse's notarized concurrence to your suspension request. The DFAS denied your request to suspend SBP coverage on 26 February 2024 because you did not meet the prescribed time to discontinue coverage.

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 DFAS, within 25 to 36 months after receiving retired pay effective 1 January 2024.

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.

