

## **DEPARTMENT OF THE NAVY**

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

> Docket No. 4054-24 Ref: Signature Date

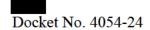
Dear

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 25 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 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. 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. If not all requirements for an election needing the spouse's concurrence have been satisfied prior to retirement, for whatever reason, full spouse costs, and coverage will be implemented, regardless of any request by the member to do otherwise. However, coverage may be suspended by submitting DD Form 2656-6, Survivor Benefit Plan Election Change Certificate to the Defense Finance and Accounting Service (DFAS) with a copy of the divorce decree for processing. No refund of any premiums properly collected will be made.



A review of your record reflects that you married your former spouse on 30 August 2002. Thereafter, you transferred to the Fleet Marine Corps Reserve effective 1 September 2021 and automatically enrolled in SBP Spouse only coverage because the DFAS did not receive a copy of your DD Form 2656, Data for Payment of Retired Personnel form prior to retirement. You and your former spouse divorced on 18 May 2023. The Judgement of Dissolution did not order SBP Former Spouse coverage.

The Board noted that you received SBP Spouse coverage from 1 September 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 and advised that you may suspend SBP coverage by submitting DD Form 2656-6, Survivor Benefit Plan Election Change Certificate to the DFAS with a copy of your Judgment of Dissolution to discontinue coverage at the time of your divorce.

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.

