

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

> Docket No. 4210-24 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.

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, service members are eligible to discontinue SBP coverage by submitting DD Form 2656-2, Survivor Benefit Plan (SBP) Termination Request to the Defense Finance and Accounting Service (DFAS), within 25 to 36 months after receiving retire pay.

A review of your record reflects you signed DD Form 2656, Data for Payment of Retired Personnel on 5 June 2023 and elected Spouse and Child coverage with level of coverage based on the threshold amount in effect on the date of retirement. You provided the Board with an incomplete DD Form 2656, Data for Payment of Retired Personnel signed by you and your spouse on 24 August 2023; pages one through three and five were not provided and page four had a cross out through your SBP Spouse and Child election with initials. Although the DFAS did not receive the aforementioned incomplete form, if they did, the election would have been deemed invalid due to the missing pages and cross out. You transferred to the Fleet Reserve effective 1 January 2024 and SBP Spouse and Child coverage premium deductions began in accordance with your election and the abovementioned policy.

The Board could not find, nor did you provide evidence of submitting an updated election prior to your retirement. However, the Board noted that you received SBP Spouse and Child coverage from 1 January 2024 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 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.

Sincerely,