

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

> Docket No. 4366-24 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 1 May 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 the Board reconsider your request to participate in Survivor Benefit Plan (SBP) Spouse coverage based on not being aware of the 2023 SBP open enrollment season. 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 the elections to participate in or decline SBP coverage is irrevocable unless a member meets one of the three exception criterions listed in the policy. However, pursuant to Public Law 117-263 § 643, the SBP open enrollment season from 23 December 2022 through midnight, eastern standard time on 1 January 2024, afforded retirees the opportunity to change their election to participate in SBP. Information on the SBP open enrollment season was promulgated in the Shift Colors Newsletter for Navy Retirees and posted on the Defense Finance and Accounting Service webpage. A review of your record indicates that you declined to participated in SBP on 21 June 2007 with your spouse's concurrence on 26 June 2007. Thereafter, you transferred to the Fleet Reserve effective 1 September 2007. On 24 September 2020, the Board reviewed, and denied your first application (Docket Number 8986-19) to establish eligibility to participate in SBP Spouse coverage because you and your spouse properly declined to participate. The Board could not find, nor did you provided evidence of meeting any of the exceptions outlined in the aforementioned policy. Therefore, the Board agreed there was insufficient evidence to overturn the previous Board's decision and a change to your record is not warranted.

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,