



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

██████████  
Docket No. 5516-24  
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 21 August 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 change your record to reflect 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. 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 retire pay; when the retiree loses and 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 you submitted DD Form 2656, Data for Payment of Retired Personnel without selecting an option in Item 36 (SBP Beneficiary Categories); certifying your election in Item 41 (Member) and Item 42 (Witness); and you failed to obtain your spouse's concurrence in Item 43 (Spouse). You transferred to the Retired List effective 1 October 2023

and SBP Spouse premium deductions began because your DD Form 2656, Data for Payment of Retired Personnel was incomplete. On 11 December 2023, you signed DFAS-CL 1077, Survivor Benefit Plan (SBP) Withdrawal Consent form. However, you did not meet the criteria to withdraw from SBP using this form because you do not have a service-connected disability rated by the Veterans Affairs (VA) as totally disable for a continuous period of 10 or more years; nor do you have a total disability rating from the VA for at least five continuous years immediately following the last date of active duty.

The Board could not find, nor did you provide evidence of submitting a properly completed DD Form 2656, Data for Payment of Retired Personnel form with spousal concurrence prior to retirement. Additionally, the Board noted that you have received SBP Spouse coverage from the time of your automatic enrollment 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 submit DD Form 2656-2, Survivor Benefit Plan (SBP) Termination Request to the Defense Finance and Accounting Service, during the discontinuation period of 25 to 36 months after receiving retire pay effective 1 October 2023.

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,

8/30/2024

