



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

██████████
Docket No. 5926-24
Ref: Signature Date

██████████
██████████
██████████

Dear ██████████

This is in reference to your application for correction of your spouse's naval record pursuant to Section 1552 of Title 10, United States Code (U.S.C.). After careful and conscientious consideration of relevant portions of your spouse's 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 5 February 2025. 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 spouse's naval record and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinion contained in Navy Personnel Command letter 5740 PERS-91 of 19 November 2024, which was previously provided to you for comment.

You requested to change your spouse's record to reflect participation in the Reserve Component Survivor Benefit Plan (RCSBP) and receive RCSBP annuity. 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 RCSBP extends eligibility to members who completed the years of service to be eligible to receive retired pay but have not yet reached retirement age. A reserve component member (RC) who dies from illness incurred or aggravated while performing inactive duty training period in which the death is determined to have occurred "in the line of duty" is entitled to automatic coverage under the Survivor Benefit Plan (SBP) program whether or not the member is retirement eligible. The death of a RC member who is not retirement eligible and whose death is determined to have occurred "not in the line of duty" does not qualify the SBP program.

In accordance with Title 10 U.S.C. 12731, 20 qualifying years of service is required for Reservists to be eligible for non-regular retirement. However, the 20-year requirement may be

reduced to 15-years for certain Selected Reserve members that are determined to be not physically qualified (NPQ). Bureau of Naval Personnel Instruction 1001.39F indicates NPQ status is determined by Navy Personnel Command as recommended by Bureau of Medicine and Surgery.

A review of your spouse's record reflects you married on 5 November 2005. On 22 April 2008, your spouse was appointed as an officer in the United States Navy Reserve. On 8 August 2023, Commander, Navy Personnel Command (PERS-00C) generated a final report on DD Form 1300, Report of Casualty specifying that your spouse was a "Reserve/Not On Orders" at the time of his death on 17 April 2023, thereby ineligible for automatic SBP program coverage. Additionally, at the time of your spouse's death, he completed 14-years of qualifying service towards non-regular retirement, rendering him ineligible for reduced retirement eligibility. Therefore, the Board determined a change to your spouse's 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,

2/20/2025

