



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

██████████
Docket No. 6921-24
Ref: Signature Date

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████████████████████

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 27 November 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 Reserve Component Survivor Benefit Plan (RCSBP) and 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 members notified of completion of the years of service required for retired pay eligibility for non-regular retirement must make an election to decline or elect reduced coverage with spousal concurrence within 90 days of receiving notification. The election to participate in or decline RCSBP is irrevocable. After 1 January 2001, a member who is married or has a dependent child is automatically enrolled in RCSBP if an election is not received within 90 days of receiving notification. Additionally, the policy indicates RCSBP coverage for the member's survivors commences but premiums are not paid until the member first becomes actually entitled to retired pay. RCSBP premium deductions are for the coverage provided while the member awaited the requisite age of entitlement to retired pay. RCSBP premiums are distinct from SBP premiums.

A review of your record reflects you were married to your first spouse on 24 August 1991 and had two children born on 23 September 1992 and 16 March 1995. On 30 June 2009, you

transferred to the Retired Reserve without pay and issued Notification of Eligibility (NOE) to Receive Retired Pay at Age 60 and Participate in the RCSBP on 13 July 2009. The aforementioned notification provided you with information on the RCSBP, an Election Certificate, and direction on making an election within 90 days of receiving the letter. Navy Personnel Command (PERS-912) did not receive an RCSBP Election Certificate from you within 90-days of you receiving the NOE, resulting in your automatic enrollment in Option C (Immediate Annuity) RCSBP Spouse and Child coverage on 11 October 2009. On 20 October 2016, you divorced your first spouse and married your second spouse on 18 May 2023. Per the aforementioned policy, you have the ability to suspend RCSBP Spouse coverage by providing PERS-912 with a copy of your divorce decree; however, you were required to notify PERS-912 of your election to not resume coverage for your new spouse within 1-year after the marriage. On 16 July 2024, PERS-912 issued your authorization to transfer to the Retired Reserve with pay effective 23 January 2025.

The Board noted that you have been receiving RCSBP coverage from the time of automatic enrollment and your eligible 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 Defense Finance and Accounting Service, within 25 to 36 months after receiving retired pay effective 23 January 2025.

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,

12/16/2024

