



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

██████████
Docket No. 7763-24
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 8 January 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 naval record and applicable statutes, regulations, and policies.

You requested to terminate Survivor Benefit Plan (SBP) and discontinue premium deductions. 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 Reserve Component Survivor Benefit Plan (RCSBP) is irrevocable. However, disenrollment may be accomplished during an open season. Although there are no regular recurring open seasons as they occur only when there are major changes to the SBP/RCSBP program and must be specifically prescribed by law, there was an open season from 23 December 2022 to 1 January 2024 that authorized participants to discontinue from the programs. 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 the SBP premiums.

A review of your record reflects you were issued Notification of Eligibility to Receive Retired Pay at Age 60 and Participate in the RCSBP on 2 May 2009. On 31 July 2009, you signed DD Form 2656-5, Reserve Component Survivor Benefit Plan (RCSBP) Election Certificate and elected Option C (Immediate Annuity) Spouse only coverage at the full retired pay level of coverage. By signing the election form, you acknowledged your decision to participate was permanent and could not be changed unless authorized by law, such as the prescribed termination period. On 1 May 2016, you transferred to the Retired Reserve without pay and thereafter, transferred to the Retired Reserve with pay effective 4 April 2024. Upon transferring to the Retired Reserve with pay, your coverage changed from RCSBP to SBP coverage, and premium deductions began for both coverages in accordance with the abovementioned policy. On 4 June 2024, you signed DD Form 2656-2, Survivor Benefit Plan (SBP) Termination Request with spousal concurrence. The Defense Finance and Accounting Services (DFAS) denied your request to terminate SBP coverage because you were not within the authorized termination window.

The Board noted that you received RCSBP coverage from 31 July 2009 through 3 April 2024 and your beneficiary would have received an annuity if something happened to you during this time. Therefore, the Board agreed 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 4 April 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,

1/14/2025

