



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

██████████  
Docket No. 7764-24  
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 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 change your record to reflect declined participation in Reserve Component Survivor Benefit Plan (RCSBP) and Survivor Benefit Plan (SBP). Additionally, you asked that your retirement pay not be offset due to Veterans Affairs disability payments. 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. 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 you to discontinue your SBP enrollment. 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 14 April 2008. On 28 April 2008, 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 March 2011, you transferred to the Retired Reserve without pay and thereafter, transferred to the Retired Reserve with pay effective 10 June 2023. 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 9 November 2023, you signed Survivor Benefit Plan (SBP) and Reserve Component Survivor Benefit Plan (RCSBP) Open Season Election to Discontinue Participation form with spousal concurrence. By signing the discontinuation form you understood "that no refund of costs already paid for SBP coverage will be made and if discontinuing RCSBP, I will be responsible to pay the premiums for coverage already received, and that SBP/RCSBP benefits will not be paid upon my death." Your SBP coverage was discontinued effective 23 November 2023.

The Board noted that you received RCSBP coverage from 28 April 2008 through 9 June 2023 and your beneficiary would have received an annuity if something happened to you during this time. Therefore, a change to your record is not warranted.

The Board did not consider your request to not off set your retirement pay due to receiving Veterans Affairs disability compensation because this matter is not under the Board's jurisdiction. Specifically, in accordance with Title 38 U.S.C § 5304, military retirees generally may not receive both disability compensation and military retired pay concurrently. The exception requires the member to have a service-connect disability rating of not less than 50 percent. On 19 October 2023, the Department of Veterans Affairs provided you with options on requesting further review if you disagreed with their decision. You may contact Veterans Affairs at 800-287-1000 and/or Defense Finance and Accounting Service at 800-321-1080 for additional assistance with this matter.

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,

1/16/2025

