



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

Docket No. 7976-24
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 15 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 elect Survivor Benefit Plan (SBP) coverage. 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. However, enrollment 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 program and must be specifically prescribed by law, there were open seasons from 1 October 2005 to 30 September 2006, and 23 December 2022 to 1 January 2024 that authorized SBP enrollment.

A review of your record reflects that on 15 April 2002, you signed DD Form 2656, Data for Payment of Retired Personnel and elected to not to participate in SBP with your spouse's signed concurrence. On 31 July 2002, you transferred to the Permanent Disability Retired List (PDRL).

The Board noted that you had an two opportunities to enroll in SBP during the aforementioned open seasons but there is no evidence of you taking advantage or inquiring to participate. Moreover, the Board found that amending your record to reflect your enrollment in SBP

coverage would create a debt for unpaid SBP premiums from your date of transfer to the PDRL effective 31 July 2002 to present day, which could possibly create a financial hardship on your behalf; therefore, the Board agreed a change to your 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,

1/22/2025

