



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

██████████
Docket No. 9123-24
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 20 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 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 SBP elections must be made prior to retired pay becoming payable and the election to participate in or decline SBP is irrevocable. Written spousal concurrence is required when the member elects to decline coverage or provide the spouse with less than the maximum SBP coverage available. The signature of the spouse must be notarized. If not all requirements for an election needing the spouse's concurrence have been satisfied prior to retirement, for whatever reason, full spouse costs, and coverage will be implemented, regardless of any request by the member to do otherwise.

A review of your record reflects you transferred to the Temporary Disability Retired List effective 29 January 2018 and automatically enrolled in SBP Spouse only coverage due to the Defense Finance and Accounting Services (DFAS) not receiving an SBP election via the DD Form 2656, Data for Payment of Retired Personnel prior to retirement. After over two years of having SBP Spouse coverage, you signed DD Form 2656-2, Survivor Benefit Plan (SBP)

Termination Request on 3 July 2020, with spouse concurrence. The DFAS discontinued your SBP Spouse coverage effective 17 July 2020.

The Board noted there is no record of you taking any action to discontinue coverage prior to 3 July 2020 and/or evidence of you disputing the SBP coverage prior to sending in this application. Therefore, the Board determined a change to your record is not warranted because you received SBP Spouse coverage from 26 January 2018 through 16 July 2020 and your beneficiary would have received an annuity if something happened to you during this time.

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,

12/6/2024

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Deputy Director

Signed by: █