



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

██████████
Docket No. 392-25
Ref: Signature Date

██████████
██████████
██████████

Dear ██████████,

This is in reference to your application for correction of your spouse's naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your spouse's 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 31 July 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 spouse's naval record and applicable statutes, regulations, and policies.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You requested to establish eligibility to receive Survivor Benefit Plan (SBP) annuities. The Board, in its review of your spouse's entire record and your application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that in accordance with Department of Defense Financial Management Regulation 7000.14-R, there are no regular recurring open enrollment periods as they occur only when there are major changes to the SBP program and must be specifically prescribed by law. There are two types of open enrollment premiums; the first premium type will be collected prospectively each month beginning with the effective date of the election in the same manner that monthly premiums are collected for all SBP participants. The second premium type is a one-time buy-in premium that is due and payable at the time a member files an election to enroll in SBP, though member may elect to pay a portion of the premiums in installments over a 12-month period.

A review of your spouse's record reflects he signed NAVMC 10236-PD, Annuities for Survivors Contingency Option Election on 29 July 1969 revoking his previous Reserve Serviceman's Family Protection Plan (RSFPP) election; an annotation on the form indicates "Revocation Not effective @ [at] retirement." On 21 January 1970, the Commandant of the Marine Corps notified your spouse that his request for revocation of RSFPP would not be effective at the time of retirement and provided directions to withdraw from the plan after retirement. On 27 February 1970, your spouse transferred to the Fleet Marine Corps Reserve; there is no evidence of him taking action to discontinue RSFPP coverage. Your spouse attempted to enrolled in SBP coverage during the open enrollment period of 1 October 2005 through 30 September 2006 by submitting DD Form 2656-9, Survivor Benefit Plan (SBP) and Reserve Component Survivor Benefit Plan (RCSBP) Open Enrollment Election form to Defense Finance and Accounting Service (DFAS). On 21 November 2006, DFAS attempted to send a notification to your spouse regarding his election form being incomplete, however, the letter was sent to another Service member. On 16 May 2008, DFAS advised your spouse that he would be finished paying RSFPP premiums as of 1 October 2008 and that annuity coverage would remain in effect at no further cost to him. Your spouse passed away on 5 February 2011 and DFAS has advised the Board that you are receiving an RSFPP annuity in the amount of \$168 per month. On 18 June 2024, the Department of Veterans Affairs advised you that your claim for Dependency and Indemnity Compensation, Survivor Pension, and Accrued benefits was denied due to your net worth exceeding the net worth limit of \$150,538.00.

The Board noted there is no indication that your spouse followed up with DFAS regarding his attempt to elect SBP during the 2005-2006 open season. Moreover, upon retirement, retirees receive a monthly Retiree Account Statement that outlines pay descriptions to include SBP coverage information; consequently, your spouse would have been reasonably aware that he was not paying SBP Spouse coverage premiums, thereby rendering you ineligible for an SBP annuity. Therefore, the Board determined that a change to your spouse's 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,

9/4/2025

