



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

██████████
Docket No. 2669-25
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 7 August 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). 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 RCSBP is irrevocable. After 1 January 2001, a member who is married or has a dependent child is automatically enrolled in RCSBP if an election is not received within 90 days of receiving notification. 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 awaits the requisite age of entitlement to retired pay. RCSBP premiums are distinct from the Survivor Benefit Plan (SBP) premiums.

A review of your record reflects you were married to your first spouse from December 1990 to December 1992. Because divorce documents were not provided to the Board, it is unknown if RCSBP/SBP Former Spouse coverage was ordered by the Court. In May 1994 you married your second spouse and had one child born in ██████████. You mobilized in support of operations ENDURING FREEDOM/IRAQI FREEDOM from December 2003 to January 2006 and mobilized in support of operation ENDURING FREEDOM from April 2006 to July 2007. Your second child

was born in [REDACTED]. On 25 February 2010, you were issued Notification of Entitlement (NOE) to Receive Retired Pay at Age 60 and Eligibility to Participate in the Reserve Component Survivor Benefit Plan (RCSBP). The aforementioned notification provided you with information on the RCSBP, an Election Certificate, and directions on making an election within 90 days of receiving the letter. On 11 November 2010, Amendment to Petition of Divorce was filed In the Circuit Court for [REDACTED], State of Superior, signed by Clerk of Superior Court but the document appears incomplete as a judgement was not rendered and the document was not signed by a judge. On 13 December 2010, Headquarters U.S. Marine Corps (MMSR-5) issued you a notification of not receiving your RCSBP Election Certificate within 90 days of you receiving the NOE, resulting in your automatic enrollment in RCSBP "Option C" (Immediate Annuity) coverage. On 13 November 2015, Withdrawal for Petitioner for Divorce was filed In the Superior Court for [REDACTED], State of [REDACTED] and signed by Clerk of Superior Court. The document indicates, "reconciled their differences in November 2011 and hereby withdraw the petition for divorce." On 6 September 2016, the Board approved your request for transfer to the Retired Reserve Awaiting Pay on 31 May 2011 vice discharge on 4 June 2011. You received a combined rating evaluation of 60% from the Department of Veterans Affairs that included benefits for service connected Posttraumatic Stress Disorder. Included with your Application for Correction of Military Record (DD Form 149) was a notarized letter dated 11 March 2025 from your spouse indicating in part, [REDACTED] and I always agreed that with both of us being veterans we would elect not to participate in the Survivor Benefit Plan (SBP), so I am writing this letter on his behalf to acknowledge is vulnerably in 2010 and in hopes of honoring my word." On 17 June 2025, the Board requested that you provide a copy of your divorce decree from your first spouse and an SBP Affidavit; you failed to respond to the email.

The Board was not comfortable in providing relief without verifying your divorce decree from first spouse did not direct former spouse coverage and receiving confirmation from your current spouse agreeing to decline coverage. The Board also noted that you have received RCSBP coverage from the time of automatic enrollment on 13 December 2010 and your beneficiaries would receive an annuity if something happened to you during this time. Therefore, the Board determined 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 Defense Finance and Accounting Service, within 25 to 36 months after receiving retired pay. Spousal concurrence is also required to discontinue SBP coverage unless it is established that the spouse's whereabouts cannot be determined, or due to exceptional circumstances, such as mental or physical incapacitation of the spouse, obtaining the spouse's consent would be inappropriate.

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,

8/13/2025

[REDACTED]