



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

██████████
Docket No. 2878-25
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.

A three-member panel of the Board, sitting in executive session, considered your application on 14 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.

In December 2003 you married ██████████ and had two dependent children in May 2007 and April 2011.

In accordance with DoD 7000.14-R FMR Volume 7B, Chapter 43, "SBP [Survivor Benefit Plan] Elections. In the case of a member electing a standard SBP annuity, the member must make such election before retired pay becomes payable, or if there is no eligible beneficiary at that time, within 1 year of acquiring an eligible beneficiary. All elections are irrevocable once the member is placed on the retired list, unless otherwise provided by law."

An SBP participant may choose to voluntarily discontinue SBP participation during a 1-year period which begins on the second anniversary of the date of commencement of retired pay. The date of commencement of retired pay is defined as the date that the retiree becomes entitled to retired pay. A recall to active duty following retirement will not alter this date."

"Once participation is discontinued under this provision, no benefits may be paid in injunction with the member's previous participation. No refund of any premiums collected will be made."

On 6 December 2023, you were issued official retirement orders (BUPERS order: 3403) while stationed in ██████████ with an effective date of departure of August 2024. Furthermore, the following was listed: “Your request to be transferred to the retired list NAS approved by the secretary of the navy effective 01 Sep 2024. on 01 Sep 2024 you will be transferred to the retired list with the grade of CDR and with retired pay of CDR, pursuant to provisions of 10 U.S.C. sec. 8323.”

On 22 January 2024, you signed and completed a Data for Payment of Retired Personnel (DD Form 2656) listing the following: Section X –SBP Election block 36 (SBP beneficiary categories) indicating “I elect coverage for spouse and child(ren)” and block 37 (SBP level of coverage) indicating “I elect coverage based on full gross pay.”

You were retired with an honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 11 March 2005 to 31 August 2024 upon having sufficient service for retirement.

On 17 October 2024, you signed and completed a SBP Termination Request (DD Form 2656-2) with spousal concurrence.

On 5 February 2025, Defense Finance and Accounting Service (DFAS) notified you that you can only discontinue participation in SBP during the 25 to 36 months of retirement. You have only been retired 5 months therefore are not eligible to discontinue at this time.

On 13 February 2025, you submitted a Formal Dispute of SBP Enrollment to DFAS stating. “I am writing to formally contest the decision regarding my purported enrollment in the Survivor Benefit Plan (SBP), as detailed in your correspondence (please see attached letter of 05 Feb 2025). I respectfully but strenuously disagree with this determination for the following reasons:

1. No Enrollment Agreement or Authorization: At no point was I asked to enroll in SBP, nor did I agree to participate. This is a voluntary program, and I do not recall signing any documentation indicating my consent to deductions from my retirement pay.
2. Unreasonable Delay in Correction Process: While I only retired in September 2024, I am now being advised that I must wait until the 25th month after retirement to formally request a correction. This delay is excessive and places an undue burden on me, particularly when I did not opt into the program in the first place....
3. Financially Inefficient and Unjust: The requirement to pay substantial premiums for SBP participation, when better financial alternatives exist, is not in my best interest...

Given the above points, I formally request that my SBP enrollment be canceled immediately and that I be exempt from further deductions. Furthermore, I ask that this matter be resolved without requiring me to wait more than two years for a correction. Should DFAS maintain that I was properly enrolled, I request written proof of my explicit consent, including a signed document verifying my participation. Absent such evidence, I insist that my case be reconsidered, and the erroneous deductions be halted immediately.”

Defense Finance and Accounting Service (DFAS) HUNT system shows that you were enrolled in SBP spouse and child coverage effective 1 September 2024 in the amount of spouse/child \$472.32/\$0.58, and current cost \$472.90.

You requested to change your SBP Spouse and Child coverage election to show that you decline participation and that any payments be returned to you; the Board, in its review of your entire record and your application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that you were not asked to enroll in SBP and did not agree to participate. However, the Board found that you signed DD Form 2656 dated on 22 January 2024 electing spouse and child coverage based on full gross pay prior to your retirement. Your form was witnessed the same day by a Transition Assistance Program Counselor, therefore the Board surmised you had ample opportunity to make an informed decision regarding your SBP election prior to transfer to the Retired List effective 1 September 2024. Consequently, the Board determined that a change to your record is not warranted but noted that as advised by DFAS, and in accordance with DoD 7000.14-R FMR you may submit DD Form 2656-2, SBP Termination Request within 25 to 36 months after receiving retired pay.

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,

8/24/2025

