



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

█  
Docket No. 4153-25

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 5 February 2026. 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 decline participation in Survivor Benefit Plan (SBP). The Board, in its review of your entire record and your application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that Department of Defense Financial Management Regulation 7000.14-R outlines the requirements for SBP elections. Specifically, SBP elections must be made prior to retired pay becoming payable and the election to participate in or decline SBP is irrevocable. However, there are a limited number of circumstance in which a military retiree may choose to withdraw from SBP coverage. Retirees may withdraw from the plan within 25 to 36 months after receiving retired pay; when the retiree loses an eligible beneficiary to death or divorce; when their disability rating remains 100% for at least 10-years (or 5-years from the date of retirement); or during an applicable open season. Additionally, written spouse 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. Any change in SBP election subsequent to retirement will be done through an administrative correction of records as permitted by law.

A review of your record reflects that you entered active duty on 11 May 2013 and married your spouse on 17 December 2014. You transferred to the Permanent Disability Retired List on 22 July 2024 and automatically enrolled into SBP Spouse only coverage effective 23 July 2024. On 24 September 2024, Defense Finance and Accounting Service (DFAS) notified you that you were automatically enrolled in SBP coverage because your DD Form 2656, Data for Payment of Retired Personnel was not received or your election could not be processed because the form was not valid.

The Board could not find, nor did you provide evidence of your spouse's concurrence with declining coverage prior to your retirement. Additionally, the Board noted that you have received SBP Spouse only coverage from the time of enrollment and your beneficiary would have received an annuity if something happened to you during this time; therefore, relief 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 retire pay effective 22 July 2024.

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, \_\_\_\_\_

3/4/2026

█

Deputy Director

Signed by: █