

VOLUME 7B, CHAPTER 43: “SURVIVOR BENEFIT PLAN - ELECTIONS AND ELECTION CHANGES”

SUMMARY OF MAJOR CHANGES

All changes are denoted by **blue font**.

Substantive revisions are denoted by an * symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue and underlined font**.

The previous version dated December 2010 is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	This chapter is being formatted to comply with current administrative instructions.	Update
430103	Clarifies the commencement date when a member elects a deferred annuity.	Add
430104.D	Clarifies the consequences of changing the Plan elections.	Add
4309 Previous Version	The data required by retiring military personnel moved to Volume 7B Appendix P.	Delete

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CHAPTER 43

SURVIVOR BENEFIT PLAN—ELECTIONS AND ELECTION CHANGES

4301 ELECTIONS IN GENERAL

430101. All Elections

All Plan elections must be in writing, signed, and properly witnessed, if required. All elections are irrevocable unless otherwise provided by law.

430102. Standard Survivor Benefit Plan (SBP) 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.

*430103. Reserve Component SBP (RC-SBP) Elections

In the case of a member electing a Reserve Component annuity, the member must designate either an immediate or deferred annuity. The beneficiary of a Reserve Component member who elects an immediate annuity or who dies while eligible to make such an election shall have that annuity commence the day following the death of the member. In the case of a member electing a deferred annuity, the annuity shall commence either [on the date the member would have turned 60 years old](#), or the day following the member's death, whichever is later.

*430104. Special Rules Concerning Elections

A. In the case of a member electing SBP or RC-SBP coverage for a spouse who was not married to the member at the time the member became eligible for retired pay, the surviving spouse must have been married to the member for at least 1 year immediately prior to the member's death or be the parent of issue by that marriage to be an eligible beneficiary.

B. A member who did not elect child coverage for a dependent child, either at the time of becoming eligible for retired pay (if applicable) or within 1 year of acquiring the first dependent child, may not elect child coverage for subsequently acquired children unless otherwise provided by law.

C. A member who elected insurable interest coverage under [Chapter 42](#), paragraph 420303 may, upon death of such beneficiary, elect to cover a new beneficiary who is a natural person with an insurable interest in the member. Such an election must be made prior to the end of the 180-day period beginning on the date of the death of the previous beneficiary and requires the member to pay, if applicable, an additional amount equal to the difference in the amount of the reduction in the member's retired pay for the previous beneficiary and the reduction in retired pay that would have been made had the previous beneficiary not died and been a covered beneficiary through the date of the new election. Such amount shall be computed

as if the previous beneficiary had been the same number of years younger than the member (if any) as the new beneficiary.

D. In the case of a member who is already participating in the Plan and elects to change spouse coverage or spouse and child coverage to former spouse coverage or former spouse and child coverage, any such election terminates any previous coverage under the Plan.

4302 ELECTION OPTIONS

430201. Base Amount

A member who participates in SBP must elect a base amount of maximum coverage or reduced coverage. The base amount at any level is adjusted with each cost-of-living increase after retirement. The annuity coverage amount is 55 percent of the base amount elected. See section 4901.

430202. Beneficiaries

Coverage may be provided for:

- A. Spouse and/or children;
- B. Former spouse or former spouse and children; or
- C. Natural person with an insurable interest (at maximum level of coverage only).

4303 ELECTION DATA

430301. Elections by the Member

Department of Defense (DD) [DD Form 2656](#) (Data for Payment of Retired Personnel), [DD Form 2656-1](#) (SBP Election Statement for Former Spouse Coverage), [DD Form 2656-2](#) (SBP Termination Request), [DD Form 2656-6](#) (SBP Election Change Certificate), when available, are recommended for use by the member. Elections in writing, other than a request for termination request, signed by the member, which contain all information necessary for establishing or declining coverage, are acceptable. Spousal concurrence of certain elections has been required since March 1, 1986.

A. Former Spouse Elections (Retiring Members). A member who is retiring and is electing former spouse coverage should complete the former spouse election on a [DD Form 2656](#). In addition to the former spouse election, the member must also provide a separate written statement (completed on a [DD Form 2656-1](#), when available), that is signed by the member and the former spouse certifying whether the former spouse election is pursuant to court order or a voluntary written agreement. Information concerning content of the separate written statement and the proper court order appears in paragraph 430503.

B. Change in Election Coverage Spouse to Former Spouse (Retired Members). Members who are already retired should complete changes from spouse coverage to former spouse coverage on a [DD Form 2656-1](#).

430302. Deemed Elections Requested By the Former Spouse

On deemed elections, requested by the former spouse or the former spouse's attorney, the request for the Secretary of the Military Department concerned to deem that an election has been made must be accompanied by a court order or a statement from the clerk of the court. Information concerning content of the request by the former spouse or the former spouse's attorney and the statement from the clerk of the court, where necessary, appears in subparagraph 430503.C.

430303. Election Data Requirements

The election data requirements are:

A. Identification. Enter the member's name, social security number, birth date, and date of retirement.

B. Base Amount. The election form must specify full coverage, in lieu of a dollar amount, when maximum coverage is selected. When a reduced base amount is chosen, the dollar amount must be specified on the election form. The reduced base amount must not be less than \$300. When retired pay is less than \$300, then the election form must indicate full coverage.

C. Beneficiary. Show the name, birth date, and social security number for each beneficiary named.

1. If coverage includes spouse, or former spouse, then the member must provide the date of marriage and divorce, as applicable.

2. When the beneficiary is a natural person with an insurable interest, the address and relationship must be shown. For the natural person with an insurable interest, the member must provide a signed statement to show proof of financial benefit if the person designated is a cousin or anyone more distantly related than cousin if such statement is requested.

3. If the beneficiary designation is for a former spouse, then, in addition to the former spouse election, the member must complete a [DD 2656-1](#) setting forth whether the election is being made pursuant to a written agreement previously entered into voluntarily by the member as a part of or incident to a proceeding of divorce, dissolution, or annulment and (if so), whether that voluntary written agreement has been incorporated in, ratified or approved by, a court order.

D. Signature. The member must sign and date the election. If the document is signed with an “X”, then two impartial persons must witness the signature. NOTE: An election made on behalf of the member through a power of attorney is not valid. Such an election is not binding and is without force or effect of law.

E. Spousal Concurrence. Written spousal concurrence is required when the member elects to decline coverage or provide the spouse with less than the maximum SBP coverage available, to include electing child-only coverage, and when a member eligible for RC-SBP declines coverage or elects coverage that provides less than a maximum immediate spouse annuity. The signature of the spouse must be notarized. The requirement to have the spouse’s signature notarized is not to suggest that the spouse has received additional counseling regarding the option being selected. It simply provides certification that the spouse signed the form.

1. If all requirements for an election needing the spouse’s concurrence have not been satisfied prior to retirement, for whatever reason, then full spouse costs and coverage will be implemented, regardless of any request by the member to do otherwise. In such cases, when the member has requested any form of child coverage, full spouse and child coverage will be implemented. A spouse’s concurrence with, or request for, an election other than that requested by the member, shall be disregarded. Any change in SBP election subsequent to retirement will be done through an administrative correction of records. The requirements for spousal concurrence do not affect any obligation or right of the member to provide coverage for a former spouse. If former spouse coverage is elected or deemed, then the spouse’s concurrence is not required; however, the spouse will be notified of that election, as previously required when spouse coverage was declined.

2. The Secretary concerned may waive the requirement for spousal consent when the spouse’s whereabouts cannot be determined or, when due to exceptional circumstances, requiring the member to seek the spouse’s consent would otherwise be inappropriate. Exceptional circumstances, such as mental or physical incapacitation of the spouse, require appropriate documentation such as a physician’s statement attesting to the spouse’s incapacity. Exceptional circumstances will be evaluated on a case-by-case basis.

3. The Secretary concerned shall notify the member’s current spouse when a member who is eligible to provide an annuity to that spouse elects former spouse or former spouse and dependent child coverage.

4. The Secretary concerned shall notify the affected beneficiary when a member elects to discontinue coverage for a former spouse or insurable interest beneficiary.

4304 IRREVOCABLE ELECTIONS, CORRECTIONS AND DISCONTINUED PARTICIPATION

430401. Election Exceptions

An election is irrevocable, except under the following circumstances:

A. A member retired March 1, 1986, or later, who elected and received less than maximum SBP coverage without the spouse's concurrence, will have such coverage changed to full coverage if the Secretary concerned later determines that the spouse's concurrence in such election was appropriate, but not obtained;

B. A member may voluntarily discontinue SBP participation during the 1-year period beginning on the second anniversary of the date of commencement of retired pay under paragraph 430701;

C. The Secretary concerned may revoke an election when necessary to correct an administrative error. Revocation or correction based on administrative error is a Secretarial prerogative and, except when procured by fraud, is final and conclusive on all officers of the United States;

D. A member may voluntarily discontinue participation as a totally disabled member under paragraph 430703;

E. A member may voluntarily terminate SBP coverage for a natural person with an insurable interest (not a former spouse) under paragraph 430702, or

F. A mentally incapacitated member who is later determined to be mentally competent may revoke or change the SBP election within 180 days after such determination of judgment.

430402. Election Changes

The SBP election may be changed as explained in sections 4306 and 4307.

4305 ELECTION COVERAGE

430501. Spouse and/or Children

A. A member may elect coverage at the maximum level or at a reduced amount with spouse's concurrence, if required, for:

1. An eligible spouse only;
2. An eligible spouse and dependent children; or
3. Dependent children only.

B. A member at retirement is automatically covered at the maximum level for spouse and/or dependent children, unless, the member elects not to participate or elects to participate at a reduced level before the first day of eligibility to retired pay with the concurrence of the member's spouse, if required. See subparagraph 430501.D.

C. A member with an eligible spouse and dependent children on the date of retirement who:

1. Declines coverage is prohibited from electing into the Plan, except under section 4308; or

2. Refuses coverage for an eligible spouse, and chooses to elect coverage for children only, is prohibited from electing spouse coverage at a later date, except under section 4308; or

3. Refuses coverage for his or her dependent children, and elects coverage for spouse only, is barred from electing child coverage at a later date.

D. A married member who is eligible to provide SBP, may not elect without the concurrence of his or her spouse; to decline participation in SBP, to provide an annuity for the member's spouse at less than maximum level, or to provide an annuity for a dependent child, but not for a spouse unless the member establishes to the satisfaction of the Secretary concerned that:

1. The spouse's whereabouts cannot be determined; or

2. Due to exceptional circumstances, a requirement that the member seek the spouse's consent would otherwise be inappropriate.

E. A member with dependent children, who was unmarried on the date of retirement, may elect spouse coverage upon subsequent marriage regardless of whether coverage was elected for his or her dependent children. The election must be received by the Secretary concerned within 1 year of the marriage date.

F. A member with an eligible spouse who did not have dependent children on date of retirement later may elect coverage for dependent children. The election must be received by the Secretary concerned within 1 year of the date of acquiring a dependent child or children.

G. If a member elects to provide an SBP annuity for a former spouse or a former spouse and child and the member has remarried, then the member's spouse shall be notified of that election. The member may make this election without spousal concurrence.

430502. Natural Person with Insurable Interest

An election for a natural person with an insurable interest may be made only when the member is not married and does not have any dependent children upon becoming eligible to participate. The Secretary concerned must receive the election before the first day of eligibility for retired pay. A member must elect full coverage when electing for a natural person with an insurable interest. If the member is retired for reasons of disability under [Chapter 61 of Title 10, United States Code](#) (U.S.C.), then refer to paragraph 430703.

430503. Former Spouse or Former Spouse and Children

When a member elects former spouse coverage, the member and the former spouse must complete an election statement indicating whether the election is being made pursuant to the requirements of a court order or by a voluntary written agreement. If the member entered into a voluntary written agreement as a part of, or incident to, a proceeding of divorce, dissolution or annulment, then the member must indicate on the written statement whether the agreement has been incorporated in, ratified or approved by, a court order. If the member has a spouse or child, then a former spouse election prevents an annuity to that spouse or child (other than the child beneficiary under an election for a former spouse and child). If there is more than one former spouse, then the member shall designate which former spouse is to receive the annuity:

A. Upon Retirement (Retiring Members). A member, who has a former spouse and dependent child when becoming eligible to participate, may elect former spouse or former spouse and child coverage, provided the child resulted from the member's marriage to that former spouse. If the former spouse is the member's former spouse at the time the member becomes eligible to participate in SBP or RC-SBP, an election for former spouse must take place at or before the member's retirement. If a member has a former spouse upon becoming eligible to participate, but is not required by a court order or court-approved agreement to provide former spouse coverage, any subsequent court order that requires former spouse coverage will not be honored.

B. Following Retirement (Retired Members). A member with spouse or spouse and child coverage may, within 1 year of date of the decree of divorce, dissolution, or annulment, whichever is later, change that election to provide an annuity to a former spouse or to a former spouse and child. If a member elects coverage for a former spouse who the member acquired after becoming eligible for retired pay, then the member and former spouse must have been married at least 1 year or the former spouse must be the parent of a child or children born of that marriage in order for the former spouse to be an eligible beneficiary. For provisions regarding the effective date of former spouse coverage, see subparagraph 430503.D.

C. Deemed Elections. Deemed elections are applicable in cases where a member enters, incident to a proceeding of divorce, dissolution, or annulment, into a written agreement to elect to provide an SBP annuity to a former spouse, and such agreement has been incorporated in, or ratified or approved by, a court order, or has been filed with the court of appropriate jurisdiction in accordance with applicable State law, or in cases where the member is required by a court order to make a former spouse election. If such member then fails or refuses to make such election, then the member shall be deemed to have made such election if the Secretary of the Military Department concerned receives a completed DD Form 2656-10 (SBP Request For Deemed Election) from a former spouse or the former spouse's attorney on behalf of the former spouse. The DD Form 2656-10 must be accompanied by a copy of the pertinent court order or agreement referring to the SBP coverage. (See subparagraph 430503.C.1).

1. The former spouse will provide a copy of the court order, regular on its face, which requires such election, or incorporates, ratifies, or approves the written agreement of the member; a statement from the clerk of the court (or other appropriate official)

that such agreement has been filed with the court in accordance with applicable state law; or, for a deemed SBP election only, a copy of the court order which requires the SBP election. A court order which requires the member to elect (or to enter into an agreement to elect) SBP for a former spouse or former spouse and child must be issued on or after November 14, 1986. If the member was ordered by a court to elect former spouse coverage before November 14, 1986, then a second court order, issued on or after November 14, 1986, enforcing the original order which requires a former spouse election, constitutes a modification of the previous order and establishes a new 1-year period during which a request for a deemed election may be filed.

2. The request from the former spouse must be received by the Secretary concerned within 1 year of the date of the court order or filing involved. If an election of former spouse coverage was agreed to or ordered by an earlier court order, then a subsequent order or modification that merely restates the previous provision and imposes no new obligation on the member does not begin a new 1-year period. A subsequent court order holding a member in contempt of court for failing to fulfill the prior agreement is not the type of court order that can be used to begin a new 1-year period to deem an election.

3. No election may be deemed to have been made which could never have been made by the member concerned.

4. If a member dies before making an election, then a former spouse's request, which is otherwise qualified, shall be honored even if the date of the request is after the date of the member's death.

5. If a member has more than one former spouse, then the first request for a deemed election received with complete documentation shall be the one honored.

D. Effective Date of Elections. For former spouse elections made under the provisions of paragraphs 430503.B and 430503.C, the following rules apply:

1. If the member is not required to make a former spouse election by a court order or filing, then the member's election of former spouse coverage is effective as of the first day of the first month following the month in which the election is received.

2. If a court order or filing dated on or after October 17, 1998, requires or provides for a member to make a former spouse election, then the effective date of former spouse coverage is the first day of the first month which begins after the date of that court order or filing, regardless of whether the coverage is the result of the member's election or of a deemed election request by the former spouse.

3. If a court order or filing dated prior to October 17, 1998, required or provided for a member to make a former spouse election, then the effective date of a deemed election is the first day of the first month after the date of that court order or filing. If the member made a former spouse election within the required 1-year period, then the effective date of the former spouse coverage will be the first day of the first month following the month in which the election is received.

430504. Federal Civil Service Retiree

A. A member with SBP coverage who: (1) retires under the civil service retirement program; (2) waives military retired pay to combine civilian and military service credits; and (3) elects survivor coverage, at any level, under the civil service retirement, has SBP coverage suspended while the waiver is in effect. If the waiver is terminated for any reason, then SBP coverage resumes concurrent with the resumption of retired pay. The type of coverage and level of participation, as adjusted by any changes in retired pay during the period of waiver, is as first elected. If the retired service member dies while the waiver of military retired pay is in effect, then no SBP annuity becomes due and payable to either the surviving spouse and/or children.

B. An election in SBP with concurrent cancellation of previous Retired Servicemen Family Protection Plan (RSFPP) coverage is without force or effect if retired pay previously was waived for civilian retirement and survivor coverage from the civilian annuity was elected.

C. A member who elects SBP coverage, and who does not waive military retired pay for civil service retirement, may have survivor coverage under both retirement plans.

D. Provisions in subparagraphs 430504.A do not apply to a member who retired under [10 U.S.C. 12731](#) or who retired due to a combat-incurred disability as determined by the service.

E. The survivor of a federal civil service employee who was awarded military retired pay based on any period of military service and whose death occurs before separation from civil service, shall receive a survivor annuity computed using military service. The survivor annuity from civil service shall be reduced by any military survivor benefits payable. The survivor may elect not to be covered by this provision, which automatically uses military service credit in computing the federal survivor annuity.

F. Except for participation in federal service survivor annuity programs, SBP coverage does not terminate when a member participates in other survivor benefit plans administered by the United States Government such as under the Foreign Service or Federal Judges Retirement systems.

4306 CHANGES IN ELECTION AND COVERAGE

430601. Later-Acquired Spouse and/or Child

A member who acquires a new spouse and/or child after retirement must make an election within 1 year of the event with the exception that there is no time restriction on the election period for a change under subparagraph 430601.B.5.

A. A member who is participating with spouse or spouse and child coverage and who does not have an eligible spouse beneficiary may, upon remarriage: resume coverage, increase the level of coverage up to and including full retired pay, or elect not to have spouse

coverage resumed. Unless a member elects not to cover the new spouse within 1 year after the marriage, spouse coverage automatically resumes at the first anniversary of the marriage.

1. The member may not add child coverage by virtue of this remarriage alone if child coverage was previously bypassed.

2. The level of SBP coverage may not be reduced nor may child coverage be eliminated.

3. SBP elections become effective when the new spouse becomes an eligible beneficiary, and any increase in premium, plus interest, has been paid. When the level of SBP coverage is increased, the member must pay the difference between the present premium and the premium that would have been incurred had the higher level of coverage been elected originally, plus interest. Interest is compounded monthly using a factor equal to the 12th root of one plus the current annual interest rate used by the [Department of Defense \(DoD\)](#) Board of Actuaries to calculate the retirement accrual costs. Interest is to be compounded monthly on the accumulated difference existing prior to any computation month. If payment of cost plus interest is not completed before the spouse becomes an eligible beneficiary, then the election becomes null and void and a refund of cost and interest and reinstatement of original election coverage occurs. Cost plus interest will be paid to member's estate should the member die before refund is completed.

4. If a member has spouse or spouse and child coverage and elects not to resume SBP participation for the spouse, then the spouse must be notified. An election to terminate spouse coverage is irrevocable. If the member elects to increase the level of spouse coverage to an amount less than full retired pay, then the spouse must be notified.

B. If, on date of retirement the member;

1. Has no eligible beneficiaries and declines to participate; then the declination does not prohibit the later election for spouse and/or children; or

2. Has no eligible spouse and elected for children only, then he or she may, within 1 year after marriage or remarriage, include the spouse with coverage previously elected for the children; or

3. Has no eligible children and elected for spouse only, then he or she may, within 1 year of acquisition of children, include the children with coverage previously elected for the spouse; or

4. Has no eligible spouse and declines coverage for an eligible child, then he or she may, within 1 year of the acquisition of a spouse, elect for that spouse; or

5. Has elected coverage for a former spouse or former spouse and children, or has elected coverage for a natural person with an insurable interest, then the member may later change the election to spouse and/or children, if not otherwise prohibited see paragraph

430602. The member is not required to change the election to spouse and/or children; however, if such a change is made, then it permanently terminates the eligibility of the former spouse or the natural person with insurable interest. It is not necessary that maximum level coverage be elected for the spouse and/or children. See subparagraph 430602.B and paragraph 430603, for additional information concerning changes in former spouse coverage.

430602. Change From Spouse or Spouse and Children

A member who elected spouse or spouse and child coverage may terminate that election for that spouse or spouse and child and provide an SBP annuity for a former spouse or former spouse and child, provided the child resulted from the member's marriage to that former spouse. If the member is married when the former spouse election is made, then that spouse must be notified (See subparagraph 430501.G). A former spouse may request that an election be deemed by the Secretary of the Military Department concerned (or designee).

A. Notification

The Secretary concerned shall notify the former spouse of any changes in the former spouse election.

B. Changes to a Former Spouse Election

1. If a member was required to elect former spouse coverage by a court order, incident to a proceeding of divorce, dissolution, or annulment, then the member may change to spouse or child coverage if the member furnishes, to the Secretary of the Military Department concerned (or designee) a certified copy of a court order that permits such a change. The court order, regular on its face, must modify the provisions of all previous court orders relating to the former spouse election so that the member is permitted to change the election. The member must certify to the Secretary concerned that the court order is valid and in effect. These same restrictions apply to the member who elected former spouse coverage pursuant to a written agreement that was incorporated in, or ratified or approved by, a court order.

2. In the case of a written agreement that has not been incorporated or ratified or approved by a court order, the member shall furnish, to the Secretary concerned, a statement (in a format prescribed by that Secretary), signed by the member and the former spouse that evidences the former spouse's agreement to an election change. The member must certify that the statement is current and in effect.

430603. Change to Former Spouse Coverage Under Insurable Interest

A member was allowed to change an election for former spouse coverage under the insurable interest category to former spouse coverage under the spouse category during the period November 8, 1985, through November 7, 1986. A member also could add child coverage to former spouse coverage provided the child was the result of the member's marriage to that former spouse and if the member is providing coverage for the former spouse under the spouse category. These election changes apply to elections effective before March 1, 1986.

430604. Changed Retirement Eligibility

If a member elects the RC-SBP coverage and subsequently becomes eligible for retirement under another law, thereby losing eligibility under [10 U.S.C. 12731](#), then the RCSBP election remains effective until the member actually retires. A member then may make a new election as any other retiring member.

430605. Mental Incompetency

The Secretary concerned may make an SBP or RC-SBP election on behalf of a member who is declared incompetent by medical officers of the Armed Force concerned, or of the Department of Veteran Affairs (VA), or by a court of competent jurisdiction. In the event the member is later declared competent by one of these authorities, the member may elect to revoke that election within the 180-day period following a determination of competency. There shall be no refund of premiums paid for coverage during a period of declared incompetence.

430606. Correction of Administrative Error

The Secretary of the Military Department concerned (or designee) may correct any election or any change or revocation of an election when the Secretary considers it necessary to correct an administrative error. See chapter 42, paragraph 420307.

4307 DISCONTINUANCE OF PARTICIPATION

430701. Discontinuance of SBP Participation on Second Anniversary

A. 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.

B. An SBP participant who is eligible to discontinue participation must send a written request to the Defense Finance and Accounting Services (DFAS)- on [DD Form 2656-2](#) (Survivor Benefit Plan (SBP) Termination Request). A request for information or a request for termination that is not on [DD Form 2656-2](#) is not considered a valid request to discontinue.

1. A married participant may not discontinue spouse coverage without the spouse's written concurrence, unless it is established that the spouse's whereabouts cannot be determined, or that, due to exceptional circumstances, obtaining the spouse's consent would be inappropriate. In exceptional circumstances, such as mental or physical incapacitation of the spouse, DFAS requires the appropriate documentation such as a physician's statement, which attests to the spouse's mental or physical incapacitation. Additionally, the incapacity must exist continuously since the date of the member's request.

2. If the SBP participant is providing former spouse coverage based on a court order, then an amended court order should accompany the request, even if the former spouse concurs with the request.

C. If termination is not otherwise prohibited by [law](#), a spouse or former spouse who concurs in the request for termination is considered notified in accordance with the [law](#). A spouse or former spouse who changes his/her mind after concurrence has 30 days from the date of the first request to submit a letter withdrawing their concurrence. If concurrence is withdrawn within 30 days, then the request to withdraw from SBP participation is void. The concurrence of the former spouse is applicable even though the coverage may be currently in a suspended status due to the former spouse's remarriage. Child concurrence is not required when a member elects to discontinue SBP participation for child coverage.

D. DFAS shall ensure that a natural person or former spouse who is not required to concur in the request for termination is notified of the termination of SBP coverage by sending a letter to such beneficiary at the address in the retired member's file.

E. A member's participation terminates on the first day of the month following the month in which DFAS receives a request for discontinuance. Any premiums deducted for periods on or after the effective date shall be refunded and the member notified of the final action concerning termination of coverage.

F. A member may withdraw the request to discontinue participation within 30 days of having submitted such request to DFAS. The 30-day period begins on the date that DFAS considers the withdrawal request received. Generally, this is the received date stamped on the [DD Form 2656-2](#) by DFAS.

1. To withdraw the request to discontinue SBP participation, the member must notify DFAS by a legible, signed, written notice. The request must identify the member by name and social security number and state that the member no longer wants to discontinue SBP participation. When available, the request should include a photocopy of the original [DD Form 2656-2](#).

2. If the member withdraws a request to discontinue participation within the prescribed 30-day period, then the member's participation shall not be discontinued. If the withdrawal notice is received after the prescribed date, then it shall have no effect and the member shall be so notified within 30 days. If the member provides proof of the date of mailing and such date is favorable to honoring the member's withdrawal request, then the date of mailing shall serve as the date submitted.

3. If the member effectively withdraws a request to discontinue participation, then that member shall be so notified within 30 days. If participation had already been discontinued, then it shall be reinstated as though no break in coverage existed. Premiums not collected or paid, or that were refunded shall be collected from the member's retired pay and the member notified of the final action concerning participation.

G. Once participation is discontinued under this provision, no benefits may be paid in conjunction with the member's previous participation. No refund of any premiums properly collected shall be made. The member may not resume participation in SBP for any category of beneficiary.

H. A member who discontinues SBP participation may not later elect SBP coverage upon acquisition of another class of beneficiary.

430702. Voluntary Termination of Coverage

A. A member who is participating in SBP with coverage for a natural person with an insurable interest (not a former spouse) voluntarily may terminate his or her participation in SBP.

B. A member considering termination of insurable interest coverage under RC-SBP should contact the responsible agent: DFAS, or the Military Service Reserve Component Personnel Center for members not yet age 60 (or an appropriately determined office for non-DoD Uniformed Services).

C. A member who is eligible and wants to terminate coverage may send a written request to the responsible agent identified in subparagraph 430702.B. The request, signed by the member, must identify the member and state that the member wants to terminate SBP participation. A request for information is not a request to terminate SBP participation.

D. When the responsible agent receives a request from an SBP participant eligible to terminate coverage, the agent will determine whether the request is for information or actually is a request to terminate participation. In either case, the member will be mailed two fact sheets that (1) explain the procedures for terminating participation and the advantages and disadvantages of participation; and, (2) the disadvantages of terminating participation. If the request is determined to be a request for termination, then the member will be advised in the cover letter that a request for termination can be withdrawn within 30 days of the date of that letter.

E. No premiums are refunded as a result of terminating coverage. No premiums will be charged after the effective date of termination unless the member had RC-SBP coverage. See Chapter 54, for recomputation of the original "add-on" portion of the RC-SBP premium when member terminates coverage before age 60.

F. A member who wishes to withdraw the request to terminate participation must notify the Secretary of the Military Department concerned (or designee) using a legible, signed written notice to the member's responsible agent in subparagraph 430702.B. The notice must identify the member's name and social security number and state that the member no longer wants to discontinue SBP participation. Such requests shall be handled in accordance with the provisions of subparagraphs 430701.F.2 and 3.

G. The member may only resume SBP participation by electing coverage for a spouse or dependent child within 1 year of acquiring the family member.

430703. Invalidation of Certain SBP Elections Made by Disability

A. The SBP elections for a natural person with an insurable interest, other than for a person who is a qualified dependent, is void for members who retired for reasons of disability under [Chapter 61 of Title 10, U.S.C.](#), if they die within 1 year after the disability retirement date, with the cause of death being related to the disability for which the member retired.

B. For voided election, refund SBP deducted from the member's retired pay to the person to whom the SBP annuity would have been paid pursuant to such election.

430704. Withdrawal by a Totally Disabled Member

A. Any person who elects to participate in SBP with a service-connected disability rated by the VA as totally disabling and is so rated for 10 or more continuous years (or, if so rated for a lesser period, at least 5 years from the date of last discharge or release from active duty) may request to discontinue participation in the Plan by submitting a request to the Secretary of the Military Department concerned (or designee). The initial date for determining the 5- or 10-year period is the effective date of the VA rating of total disability. Validation must be obtained from the VA if not available from the individual.

1. The request for discontinuance must be with the written consent of the beneficiary or beneficiaries under the Plan. Should that beneficiary be a dependent child or children, written consent may be accepted from a parent, stepparent, foster parent, guardian, or an individual appointed by a court of competent jurisdiction.

2. The Secretary concerned shall furnish to each person requesting discontinuance, a written statement of the advantages of participating and the possible disadvantages of discontinuing participation in the plan. Such statement should include the criteria for the Special Survivor Indemnity Allowance, the ability to receive both SBP and Dependency and Indemnity (DIC) without offset for remarriage of an annuitant over age 57, and the possibility that legislative action could either partially or fully remove the SBP-DIC offset.

3. A person may withdraw the discontinuance request within 30 days of submission to the Secretary concerned.

4. Participation in the Plan and cost of SBP coverage is discontinued on the first day of the month after receipt of the request by the Secretary concerned.

5. If a member dies after the date that the request for withdrawal has been received by the Secretary of the Military Department concerned, but before the effective date of that request, then the beneficiary is entitled to the annuity.

B. Upon the death of a person who has discontinued participation in the Plan under this section, a refund of SBP amounts deducted from retired or retainer pay without interest shall be made to the widow or widower.

C. Any person who has discontinued participation in the Plan may again elect to participate if the VA reduces the disability rating to less than total and the person applies within 1 year year to participate in the Plan and includes the required information determined by the Secretary concerned.

1. Participation in the Plan and reduction in pay is effective the first day of the month after receipt of the application to the Secretary concerned on [DD Form 2656](#) (Data for Payment of Retired Personnel). Documentation attesting to the less than total disability rating must accompany the application.

2. If the member applies for resumption of participation, but dies before the effective date, then the beneficiary is entitled to an annuity on the date the election would have been effective.

3. Resumption of participation shall be limited to the type and level of coverage initially elected allowing for beneficiary changes as otherwise provided for in Chapters 42 through 54.

4308 OPEN ENROLLMENT PERIODS

There are no regular recurring open enrollment periods. Open enrollment periods occur only when there are major changes to the SBP program and must be specifically prescribed by law. In the absence of such a legislatively prescribed period, members may only enroll or disenroll as specified in this chapter.

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