



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1004
ARLINGTON, VA 22204-2490

DJC
Docket No. NR2022-13
17 Sep 13

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) NPC Memo dtd 31 Jul 13
(3) Subject's naval record

1. Pursuant to the provisions of reference (a) Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show enrollment in the Survivor Benefit Plan (SBP) and timely written request for conversion from spouse and child to former spouse and child coverage under the Survivor Benefit Plan (SBP).

2. The Board, consisting of Mr. Pfeiffer, Mr. Zsalman, and Mr. George, reviewed Petitioner's allegations of error and injustice on 16 September 2013 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following partial corrective action.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

a. Prior to his 31 May 2008 transfer to the Fleet Reserve he enrolled in SBP for spouse and child coverage, at the full base amount, naming [REDACTED] as the beneficiary. Any other election or declination executed by Petitioner is null and void.

b. The petitioner executed a written request for conversion from spouse and child to former spouse and child SBP coverage, at the same level of coverage as previously elected, naming [REDACTED] as the beneficiary. The request was received by cognizant authority and became effective 4 November 2010, the day following the date of divorce.

c. The request was in compliance with a court order.

d. That part of the Petitioner's request for corrective action that exceeds the foregoing is denied. Records show that the Petitioner failed to enroll his spouse and child in the SBP program at retirement. Furthermore, no premiums were ever paid. Therefore, Petitioner is responsible for any unpaid SBP costs that would have been deducted at the time of enrollment. No waiver of unpaid costs is granted.

e. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

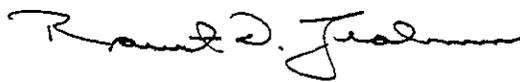
4. It is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


BRONTE I. MONTGOMERY
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

17 Sep 13


W. DEAN PFEIFFER
Executive Director