



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

BAN
Docket No. NR03514-14
30 October 2014

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) Survivor Benefit Plan Program Manager Casualty Assistance
Section (PERS-13) memo of 4 Sept 2014

1. Pursuant to the provisions of reference (a) Petitioner filed enclosure (1) with this Board requesting, in effect, that Subject's naval record be corrected to show that he had "spousal" SBP category of coverage for his spouse, [REDACTED] at the time of his death on 19 October 2013.

2. The Board, consisting of Messrs. Exnicios, Ruskin and Midboe, reviewed Petitioner's allegations of error and injustice on 28 October 2014 and, pursuant to its regulations, determined that the partial 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 Petitioner's request warrants partial relief as described below.

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 Subject's naval record be corrected, where appropriate, as follows:

a. On 31 January 1975, Subject transferred to the Fleet Reserve and elected spousal coverage for his "spouse" [REDACTED]

b. Subject and [REDACTED] were divorced on [REDACTED]. Their divorce decree contained a requirement that he provide "former spouse" SBP coverage.

Note: "Former spouse" SBP coverage did not become effective until 1 March 1986. However, Subject could elect Natural Insurable Interest to cover his "former spouse".

c. In October 1984, Subject elected Natural Insurable Interest for his "former spouse", [REDACTED]

d. Subject and [REDACTED] were married on [REDACTED]

e. On [REDACTED], when the law changed, Subject changed his SBP coverage from Natural Insurable Interest to "former spouse" coverage and listed his "former spouse" [REDACTED] as the sole beneficiary.

f. Subject was in a "paid-up" SBP status on [REDACTED]

g. [REDACTED] died on [REDACTED]

h. Subject died on [REDACTED]

i. Subject's estate and/or beneficiary is entitled to receive any and all back pay due to his SBP change from Natural Insurable Interest to "former spouse" SBP coverage for [REDACTED] in [REDACTED] to the date he was paid-up on [REDACTED]

j. That so much of Petitioner's request for corrective action as exceeds the foregoing be denied.

k. A copy of this Report of Proceedings be filed in Subject's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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.



DAVID J. CASH
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 partial corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

30 October 2014



ROBERT J. O'NEILL
Executive Director