



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

[REDACTED]  
Docket No. 7855-16  
JUN 6 5 2017

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

Subj: REVIEW OF NAVAL RECORD ICC [REDACTED] USN RET, [REDACTED]

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

Encl: (1) DD Form 149 w/attachments  
(2) 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 timely written request to suspend spouse coverage under the Survivor Benefit Plan (SBP) at the death of his first spouse and decline spouse coverage under the Survivor Benefit Plan (SBP) within one year of the marriage to his second spouse.
2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 6 April 2017 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. On 31 May 1994, Petitioner retired and elected spouse SBP coverage naming [REDACTED] as the beneficiary.
  - c. On 16 June 2010, [REDACTED] died.
  - d. On or about 21 July 2010, Petitioner received letter and forms from Defense Finance and Accounting Services (DFAS) per his request pertaining to his SBP.
  - e. On 28 August 2012, Petitioner married [REDACTED]
  - f. He states that DFAS auto-enrolled him in SBP spouse coverage. Although Petitioner specifically requested not to be re-enrolled in the SBP, DFAS informed him that because he did not decline coverage within one year of the remarriage, he was automatically reenrolled in the SBP by operation of law.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]

USN RET, [REDACTED]

## CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the fact that he was not aware that he was responsible for making an SBP election in the first year of his marriage, specifically that he did not want enrollment in the SBP, the Board finds the existence of an injustice warranting the following corrective action.

## RECOMMENDATION:

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

- a. The Petitioner suspended Survivor Benefit Plan (SBP) full spouse coverage, naming [REDACTED] within one year of the date of her death (which occurred on 16 June 2010).
  - b. The Petitioner declined Survivor Benefit Plan (SBP) full spouse coverage within one year of his marriage to [REDACTED] (which occurred on 28 August 2012). Any other election or declination executed by Petitioner is null and void.
  - c. 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.

[REDACTED]  
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.

[REDACTED]  
Executive Director