



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

[REDACTED]  
Docket No. 8132-16

AUG 10 2017

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

Subj: REVIEW OF NAVAL RECORD ICO  
[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 elect spouse and child coverage under the Survivor Benefit Plan (SBP).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 17 May 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 10 February 1979, Petitioner and [REDACTED] were married.

c. On 30 September 1999, Petitioner transferred to the Fleet Reserve. Petitioner was enrolled in "child only" coverage. Petitioner was married at the time.

d. There is no valid DD Form 2656 on file with DFAS due to a corruption of the file. There is no record of the spouse's consent to decline SBP spouse coverage. Note: Public Law 99-145 dated 8 November 1985 requires proof of spouse consent to decline SBP coverage.

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## CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the fact that there is no DD Form 2656 on file at DFAS due to file corruption, 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:

Prior to his 30 September 1999 transfer to the Fleet Reserve, Petitioner elected Survivor Benefit Plan (SBP) maximum spouse and child coverage. Any other election or declination executed by Petitioner is null and void.

Petitioner is responsible for unpaid SBP costs that would have been deducted beginning the day after his transfer to the Fleet Reserve. No waiver of unpaid premiums will be granted.

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