



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

█  
Docket No. 6233-20  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █ USN RET,  
XXX-XX-█

Ref: (a) Title 10 U.S.C. § 1552  
(b) DODFMR, Vol 7B, Chapter 43

Encl: (1) DD Form 149 w/attachments  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject's daughter, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that her father's naval record be corrected to establish election of Survivor Benefit Plan (SBP) Former Spouse coverage.

2. The Board, consisting of █ and █ reviewed Applicant's allegations of error and injustice on 21 July 2021 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, relevant portions of Subject's naval record, 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, found that, before applying to this Board, she exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. In accordance with reference (b), 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.

b. Subject married █ on 16 January 1971.

c. Subject transferred to the Temporary Disability Retired List effective 14 July 1991 and was automatically enrolled in SBP Spouse only coverage.

d. Subject transferred to the Permanent Disability Retired List effective 1 April 1993.

e. Subject divorced █ on 17 August 1994.

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f. Subject married [REDACTED] on 21 February 1995; they divorced on 16 July 1996.

g. Subject's Retiree Account Statement dated 21 July 2017 reflects payment of SBP Spouse only premiums and notification indicating "you have paid 312 months toward your 360 months of paid up RC/SBP coverage".

h. Subject passed away on 7 August 2017.

i. On 22 August 2017, former spouse, [REDACTED] signed DD Form 2656-7, Verification for Survivor Annuity; Defense Finance and Accounting Service (DFAS) denied the claim on or about 30 September 2017.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. The Board determined Subject failed to change his SBP coverage from Spouse to Former Spouse within 1-year of divorce in accordance with reference (b). However, the Board concluded Subject's record provides sufficient evidence to reflect his intent for former spouse, [REDACTED] to be his SBP beneficiary; therefore, although the proper administrative requirements were not completed, under these circumstances, relief is warranted.

## RECOMMENDATION

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

Subject elected to change SBP coverage from "Spouse" to "Former Spouse" naming [REDACTED] as the beneficiary, at the same level of coverage as previously elected within 1-year of divorce on 17 August 1994.

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

4. It is certified that a 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.

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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

8/6/2021

[REDACTED]  
Deputy Director

Signed by: [REDACTED]