



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

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Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552  
(b) DODFMR, Vol 7B, Chapter 54

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 the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to reflect declined participation in the Reserve Component Survivor Benefit Plan (RCSBP).

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 6 October 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 Petitioner'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, he 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), the election to participate in or decline RCSBP is irrevocable. A member with spouse or spouse and child coverage loses the spouse beneficiary through death or divorce; the member may, upon remarriage, increase the level of coverage up to and including full-retired pay, or elect not to resume spouse coverage. However, if a member takes no action, spouse coverage will automatically resume upon the 1-year anniversary of the remarriage at the coverage originally elected.

b. Petitioner married █ on 31 November 1981.

c. Petitioner issued Notification of Eligibility (NOE) to Receive Retired Pay at or After Age 60 and Participate in the Reserve Component Survivor Benefit Plan (RCSBP) on 13 December 2001.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USNR RET  
XXX-XX [REDACTED]

d. On 1 March 2001, Petitioner signed NRPC 1772/3, Reserve Component Survivor Benefit Plan and elected Option B (Deferred Annuity) RCSBP Spouse only coverage at the full-retired pay level of coverage with spousal concurrence.

e. Petitioner transferred to the Retired Reserve without pay effective 1 March 2002.

f. Petitioner's spouse, [REDACTED], passed away on 24 November 2012.

g. Petitioner married [REDACTED] on 6 August 2014.

h. On 4 April 2018, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel attempting to decline RCSBP coverage with spouse concurrence.

i. Petitioner transferred to the Retired Reserve with pay effective 16 October 2018; RCSBP premium deductions began.

j. On 26 February 2020, Petitioner signed DD Form 2656-2, Survivor Benefit Plan (SBP) Termination Request to discontinue election with spouse concurrence; SBP premiums were terminated effective 1 December 2020.

k. On 21 September 2021, Petitioner and spouse signed SBP Affidavit before a notary witness electing to decline SBP coverage.

## 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 concluded Petitioner provided sufficient evidence to reflect his and current spouse's desire to discontinue SBP coverage. Although the proper administrative requirements were not completed, the Board felt that under these circumstances, relief is warranted.

## RECOMMENDATION

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

Petitioner suspended SBP Spouse coverage within 1-year of his spouse, [REDACTED] death on 24 November 2012.

Petitioner elected not to resume coverage within 1-year of marriage to [REDACTED] on 6 August 2014.

Note: Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to determine the amount of premium refund.

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USNR RET  
XXX-XX-[REDACTED]

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.

11/1/2021

[REDACTED]

Deputy Director

Signed by: [REDACTED]