



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

█
Docket No. 599-21
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

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 current spouse as Survivor Benefit Plan (SBP) beneficiary.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 20 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), members that are not married when becoming eligible to participate in SBP, who later marries, may elect to participate in SBP, if the election is completed within 1 year of acquiring a spouse.

b. Petitioner married █ on █; children born on █ (█) and █ (█).

c. On 8 December 1989, Petitioner issued Notification of Eligibility (NOE) to Receive Retired Pay at Age 60 and for Participation in Reserve Component Survivor Benefit Plan (RCSBP).

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d. On 26 January 1990, Petitioner signed NRPC 1772/3, Reserve Component – Survivor Benefit Plan Option-Election Certificate electing Option C (Immediate Annuity) RCSBP Spouse and Children coverage at the full retired pay level of coverage.

e. Petitioner transferred to Retired Reserve without pay effective 1 July 1999.

f. Petitioner’s spouse, [REDACTED], passed away on 10 February 2007.

g. On 15 May 2007, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel electing not to participate in SBP as he had no eligible dependents under the plan.

h. Petitioner transferred to Retired Reserve with pay effective 26 November 2007.

i. Petitioner married [REDACTED] on 4 April 2015.

j. On 24 September 2018, Petitioner signed DD Form 2656-6, Survivor Benefit Plan Election Change Certificate electing SBP Spouse only coverage at full retired pay level of coverage.

k. On 27 March 2018, Defense Finance and Accounting Service (DFAS) notified Petitioner request for SBP Spouse coverage was denied because the request was not received within 1-year of marriage.

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 desire to enroll his second spouse as his beneficiary under SBP, but failed to notify DFAS of current marriage within 1-year of nuptials. Although Petitioner did not complete the proper administrative requirements in a timely manner, the Board concluded that relief is warranted.

RECOMMENDATION

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

Petitioner elected SBP Spouse coverage naming [REDACTED] as the beneficiary, at the same level of coverage as previously elected within 1-year of marriage on 4 April 2015.

Note: 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 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.

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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.

11/5/2021

[REDACTED]

Deputy Director
[REDACTED]