



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

[REDACTED]
Docket No. 893-21
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) DoDFMR, Vol 7B Chp 42
(c) BCNR Docket No. 6140-19

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 her naval record be corrected to reflect declined participation Survivor Benefit Plan (SBP).

2. The Board, consisting of [REDACTED], [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 22 March 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, 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), after a record correction, a member who retroactively becomes entitled to retired pay on a date on or after 20 September 1972, generally will be given automatic full coverage, unless the member elects reduced coverage or declines participation, with proper concurrence of the eligible spouse, if applicable.

b. Reference (c), changed Petitioner's record to reflect transfer to the Permanent Disability Retirement List (PDRL) effective 2 November 2011 vice being discharged on 1 November 2011.

c. Petitioner married [REDACTED] on 10 January 2015 per DD Form 2656, Data for Payment of Retired Personnel signed on 25 August 2020 and Defense Finance and Accounting Service (DFAS) HUNT System. Note: Defense Enrollment Eligibility Reporting System reflects marriage date of 4 April 2019.

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d. Petitioner completed DD Form 2656, Data for Payment of Retired Personnel and elected SBP Spouse Only coverage at the Full Gross Pay level of coverage on 25 August 2020.

e. Petitioner and spouse signed SBP Affidavit before a notary witness on 17 February 2021 electing to decline SBP coverage indicating receiving insufficient SBP information or counseling prior to date of retirement.

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 elected SBP Spouse coverage without proper counseling, thereby not understanding the financial implications of her election. Therefore, the Board felt under these circumstances, relief is warranted.

RECOMMENDATION

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

Petitioner declined to participate in SBP coverage prior to transferring to PDRL effective 2 November 2011. Note: Petitioner did not have any dependents at time of retirement.

Petitioner declined to participate in SBP Spouse coverage with spouse concurrence within 1-year of marriage on 10 January 2015.

Note: DFAS will complete an audit of Petitioner's pay record and determine the amount of premiums to be refunded.

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.

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.

4/22/2021

[REDACTED]

Deputy Director

Signed by: [REDACTED]