



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

█  
Docket No. 1354-21  
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, 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 establish election of Reserve Component Survivor Benefit Plan (RCSBP) Former Spouse coverage.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 13 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), 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. Petitioner married █ on 19 March 1988.

c. On █, Petitioner issued Notification of Eligibility (NOE) to Receive Retired Pay at Age 60 and for Participate in RCSBP.

d. On █ Petitioner signed NRPC 1772/3, Reserve Component – Survivor Benefit Plan Election Certificate, electing Option B (Deferred Annuity) RCSBP Spouse and Children coverage at the full retired pay level of coverage.

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- e. Petitioner transferred to the Retired Reserve without pay effective 1 July 2001.
- f. Petitioner transferred to the Retired Reserve with pay effective [REDACTED] RCSBP and Survivor Benefit Plan (SBP) Spouse and Children premium deductions began.
- g. On 1 July 2013, SBP coverage changes to Spouse only as Petitioner's youngest child ages out.
- h. Petitioner divorced [REDACTED] on 10 June 2016. Divorce decree directs former spouse to receive percentage of Petitioner's Navy pension should he pass away before her.

#### BOARD 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 elect his former spouse as his RCSPB/SBP beneficiary. Although Petitioner did not complete the proper administrative requirements, the Board felt that under these circumstances, relief is warranted.

#### BOARD RECOMMENDATION

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

Petitioner elected to change RCSBP/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 10 June 2016.

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.

11/1/2021

[REDACTED]

Deputy Director

Signed by: [REDACTED]