



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, Chp 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 her naval record be corrected to include current spouse as Reserve Component Survivor Benefit Plan (RCSBP) beneficiary.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 17 November 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 1 January 2001, a member who is married or has a dependent child, and who receives notice of eligibility (NOE) for retired pay is automatically enrolled in RCSBP coverage unless with spouse concurrence declines, defers or delays coverage within 90-days of receiving NOE. Additionally, the policy indicates Reserve members that are not married when becoming eligible to participate in RCSBP, who later marries, may elect to participate in RCSBP, if the election is completed within 1 year of acquiring a spouse. However, the member may not reduce the level of RCSBP coverage nor may child coverage be eliminated.

b. Petitioner married █ on 21 May 1983 and divorced on 31 July 1989. Final Judgement for Dissolution of Marriage did not direct Survivor Benefit Plan (SBP) Former Spouse coverage.

c. Petitioner gave birth to █ on 23 October 2003.

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d. On 15 December 2003, Petitioner was issued NOE to Receive Retired Pay at Age 60 and Participate in the RCSBP. Petitioner signed for the notification on 26 January 2004.

e. Petitioner transferred to the Retired Reserve without pay effective 1 March 2007.

f. On 13 August 2008, Petitioner signed DD Form 2656-5, Reserve Component Survivor Benefit Plan (RCSBP) Election Certificate, electing Option C (Immediate Annuity) for Child only coverage at the full retired pay level of coverage.

g. Petitioner married [REDACTED] on 29 November 2011.

## 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 participation in RCSBP following receipt of NOE in 2004, but failed to notify Navy Personnel Command (PERS-912) of current marriage to [REDACTED] within 1-year of their 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 changed RCSBP election from "Child" to "Spouse and Child" coverage naming [REDACTED] and [REDACTED] as the beneficiaries, at the same level of coverage as previously elected within 1-year of marriage on 29 November 2011.

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.

12/3/2021

[REDACTED]  
Deputy Director

Signed by: [REDACTED]