



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

[REDACTED]  
Docket No. 3374-21  
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] (DECEASED)

Ref: (a) Title 10 U.S.C. § 1552  
(b) Title 31 U.S.C. § 3702

Encl: (1) DD Form 149 w/attachments  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject's spouse, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that he spouse's naval record be corrected to establish entitlement to Survivor Benefit Plan (SBP) annuity.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] fel, 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 Subject'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), claims involving uniformed service members' pay, allowances, travel, transportation, payments for unused accrued leave, retired pay, and survivor benefits must be received within 6 years from the date it accrues. SBP annuity claims accrue upon the death of the retired member.

b. Subject married [REDACTED] on 25 January 1981.

c. On 6 June 2000, Subject elected SBP Spouse and Child coverage based on full gross retired pay level of coverage.

d. Subject transferred to the Fleet Reserve effective 1 September 2000.

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e. Subject passed away on 17 November 2012.

f. On 7 March 2020, Petitioner submitted DD Form 2656-7, Verification of Survivor Annuity, to the Defense Finance and Accounting Service (DFAS); DFAS denied the claim for SBP annuity, in accordance with reference (b).

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. In accordance with DFAS, Mrs. Abutin is the proper beneficiary of Subject's SBP annuity, but payment is precluded by the 6-year statute of limitations outlined in reference (b). The Board found the Petitioner provided sufficient documentation reflecting the extenuating circumstances surrounding the timeline in which the appropriate documentation and claims were filed therefore, under these circumstances, relief is warranted.

## RECOMMENDATION

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

[REDACTED] submitted DD Form 2656-7, Verification of Survivor Annuity to DFAS in a timely manner. Note: DFAS will complete an audit of Subject's pay records to determine [REDACTED] retroactive SBP annuity entitlement.

A copy of this Report of Proceedings will be filed in Subjects' 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.

12/13/2021

[REDACTED]  
Deputy Director  
[REDACTED]