



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 [REDACTED], USNR RET
XXX-XX-[REDACTED]

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 establish Reserve Component Survivor Benefit Plan (RCSBP) Spouse and Children coverage.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 15 December 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), 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's date of birth is 28 January 1962.

c. Petitioner married [REDACTED] on 4 April 1996 and divorced on 11 March 2002. Judgement and Decree of Dissolution did not direct RCSBP Former Spouse coverage.

d. Petitioner married [REDACTED] on 21 December 2002 and divorced on 28 November 2005. Judgement Dissolving Marriage did not direct RCSBP Former Spouse coverage.

e. Petitioner's child, [REDACTED] was born on 18 December 2003.

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f. Petitioner earned 20 total years of qualifying service on 7 November 2005 and was issued Notification of Eligibility (NOE) to Receive Retired Pay at Age 60 and Participate in the RCSBP on 22 April 2006; Navy Personnel Command (PERS-912) did not receive an election certificate by 21 July 2006.

g. Petitioner married [REDACTED] on 4 March 2016 and stepchildren [REDACTED] and [REDACTED] became his dependents the same day.

h. Petitioner was transferred to the Retired Reserves, awaiting pay at age 60, on 1 April 2016.

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 that Petitioner's record reflects participation in RCSBP Child only coverage due to automatic enrollment; however, he provided sufficient evidence of his desire to participate in RCSBP Spouse and Children coverage 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 Children" coverage naming [REDACTED], [REDACTED], [REDACTED] and [REDACTED] as the beneficiaries, at the same level of coverage as previously elected within 1-year of marriage on 4 March 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.

1/21/2022

[REDACTED]
Deputy Director

Signed by: [REDACTED]