



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

██████████  
Docket No. 3605-21  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████, 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) DEERS Screens  
(3) NOE of 30 Apr 98  
(4) RCSBP Spouse Notification of 13 May 98  
(5) History of Assignments  
(6) DD Form 2656 of 20 Jan 08  
(7) Authorization for Retired Pay for Non-Regular Service 20 Feb 08  
(8) HUNT Screens  
(9) Marriage Certificate  
(10) Petitioner ltr to DFAS of 26 Feb 21  
(11) DD Form 2656-6 dtd 20 Jan 13

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 his current spouse as Survivor Benefit Plan (SBP) beneficiary.
2. The Board, reviewed Petitioner's allegations of error and injustice on 12 January 2022, 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 enclosures (1) through (11), relevant portions of Petitioner's naval records, 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), any member who is notified of his or her completion of the years of service required for retired pay eligibility for non-regular retirement may elect to participate in Reserve Component Survivor Benefit Plan (RCSBP) before the end of the 90-day period. Prior to 1 January 2001, a member who is married or has a dependent child, and who

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

receives notice for eligibility for retired pay was automatically placed into Option A; which, defers the election until member reaches retirement age. Additionally, Reserve member who does not have an eligible beneficiary when becoming eligible to participate in the RCSBP, who later marries, may elect to participate in the RCSBP, if the election is completed within one year of acquiring a spouse or dependent child.

b. Petitioner married [REDACTED] on [REDACTED]. See enclosure (2).

c. On 30 April 1998, Petitioner issued Notification of Eligibility to Receive Retired Pay at Age 60 and Participate in the RCSBP. See enclosure (3).

d. On 13 May 1998, Petitioner's spouse issued RCSBP notification via certified mail; letter was signed for on 23 May 1998. See enclosure (4).

e. Petitioner's youngest child, [REDACTED], turned [REDACTED] years of age on [REDACTED]. See enclosure (2).

f. Petitioner's spouse, [REDACTED], passed away on [REDACTED]. See enclosure (2).

g. Petitioner transferred to the Retired Reserve without pay effective 1 October 2005. See enclosure (5).

h. On 20 January 2008, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel electing SBP Child coverage at the full gross pay level of coverage. See enclosure (6).

i. Petitioner transferred to the Retired Reserve with pay effective 18 April 2008; Defense Finance and Accounting Service (DFAS) established Petitioner as having no beneficiary under SBP due to their youngest child being over the age of 22. See enclosures (7) and (8).

j. Petitioner married [REDACTED] on [REDACTED]. See enclosures (2) and (9).

k. Petitioner wrote a letter to DFAS on 26 February 2021, requesting to establish [REDACTED] as SBP beneficiary. Petitioner indicates DD Form 2656-6, Survivor Benefit Plan Election Change Certificate was submitted in the "early part of 2013" and provided a copy signed on 20 January 2013. Additionally, Petitioner acknowledged the "cost associated with the establishment of the survivor plan and that it would be retroactive to August 25, 2013." See enclosures (10) and (11).

## BOARD CONCLUSION

Upon review and consideration of all the evidence of record, the Board concluded corrective action is not warranted. In this regard, the Board noted Petitioner's willingness to pay retroactive premium cost associated with correcting the record. However, Petitioner did not provide sufficient evidence to establish SBP Spouse coverage for his second spouse within one year from the date of their marriage. Conversely, the Board could not corroborate that enclosure (11) was submitted to DFAS in 2013. Moreover, the Board determined retirees receive a

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

monthly Retiree Account Statement (RAS) that outlines pay descriptions to include SBP coverage information. The Board could not find, nor did Petitioner provide any evidence of his attempt to take corrective action by contacting the Navy or DFAS regarding SBP Spouse coverage not reflecting on his RAS from the time he contends submitting enclosure (11) to DFAS in 2013 until contacting DFAS on or about 26 February 2021 – over 7 years.

**BOARD RECOMMENDATION**

That Petitioner's request be denied.

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. The foregoing action of the Board is submitted for your review and action.

2/4//2022

[REDACTED]

Executive Director

From: Assistant Secretary of the Navy (Manpower and Reserve Affairs)

FEB 10 2022

Reviewed and Approved Board Recommendation (Deny Relief)

Reviewed and Approved Petitioner's Request (Grant Relief)

[REDACTED]

Acting