



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



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  
[REDACTED]

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 reflect his son as Reserve Component Survivor Benefit Plan (RCSBP) beneficiary.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 2 February 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 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), any Reserve member who is not married and does not have a dependent child, may elect to provide RCSBP coverage for a natural person with an insurable interest. Additionally, a member who is unmarried but who has one dependent child may provide coverage for that child under the insurable interest provision.

b. Petitioner married [REDACTED] on 9 April 1985 and divorced on 4 September 1990. Final Judgement for Dissolution of Marriage did not direct SBP Former Spouse coverage.

c. Petitioner's son, [REDACTED] was born on 28 March 1997.

d. Petitioner married [REDACTED] on 19 June 1997 and divorced on 30 March 2000. Final Judgement of Dissolution of Marriage did not direct SBP Former Spouse coverage.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USNR RET [REDACTED]

e. On 10 May 2007, Petitioner issued Notification of Eligibility (NOE) to Received Retired Pay at Age 60 and Participate in the RCSBP.

f. On 29 June 2007, Petitioner signed DD Form 2656-5, Reserve Component Survivor Benefit Plan (RCSBP) Election Certificate electing Option C (Immediate Annuity) Natural Person with an Insurable Interest (NIP) at the full retired pay level of coverage. Petitioner designated his sister, [REDACTED] as beneficiary.

g. Petitioner transferred to the Retired Reserve without pay effective 1 August 2007.

h. Petitioner transferred to the Retired Reserve with pay effective 29 December 2020.

## 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 should not have been authorized to elect his sister as an NIP in accordance with reference (b). However, the Petitioner provided sufficient evidence to designate his son as a RCSBP beneficiary. Although the proper administrative requirements were not completed, the Board felt that under these circumstances, relief is warranted.

## RECOMMENDATION

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

On 29 June 2007, Petitioner elected Option C (Immediate Annuity) RCSBP NIP coverage naming "[REDACTED]" vice "[REDACTED]" as the beneficiary, at the full-retired pay level of coverage.

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.

2/25/2022

[REDACTED]  
Deputy Director  
[REDACTED]