



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

█
Docket No. 7109-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █, USN, RET,
XXX-XX-█

Ref: (a) Title 10 U.S.C. § 1552
(b) DODFMR, Vol 7B, Chapter 43

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 establish Survivor Benefit Plan (SBP) Child only coverage.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 9 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), SBP elections must be made prior to retired pay becoming payable and the election to participate in or decline SBP is irrevocable. If not all requirements for an election needing the spouse's concurrence have been satisfied prior to retirement, for whatever reason, full spouse costs, and coverage will be implemented, regardless of any request by the member to do otherwise. Any change in SBP election subsequent to retirement will be done through an administrative correction of records as permitted by law.

b. Petitioner married █ on 23 April 2010.

c. Petitioner's son, █, was born on 19 November 2011.

d. Petitioner divorced █ on 17 April 2014. Final Decree of Divorce from the Bond of Matrimony did not direct SBP Former Spouse coverage.

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e. Petitioner transferred to the Fleet Reserve effective 1 January 2021; SBP Spouse coverage premium deductions began but a beneficiary name is not on file.

f. On 19 January 2022, Defense Finance and Accounting Service (DFAS) confirmed Petitioner was automatically enrolled in SBP Spouse coverage because DD Form 2656, Data for Payment of Retired Personnel was not received.

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 was not married on the date he transferred to the Fleet Reserve, thereby erroneously enrolled in SBP Spouse coverage. Additionally, Petitioner provided the Board with sufficient evidence of his desire to elect SBP Child only coverage. 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:

Petitioner elected SBP Child only coverage naming [REDACTED] as the beneficiary, at the full retired pay level of coverage prior to transferring to the Fleet Reserve effective 1 January 2021.

Note: DFAS will complete an audit of Petitioner's pay record to determine if premium refund is due.

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.

3/1/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]