



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

█  
Docket No. 7640-21  
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 reflect current spouse as Survivor Benefit Plan (SBP) beneficiary.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 16 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. However, if on the date of retirement, the member has no eligible spouse and elected child only coverage, the member may, within 1-year after marriage or remarriage, include the spouse with coverage previously elected for the child.

b. Petitioner married █ on 24 May 1990 and divorced on 12 September 1997. Judgment for Dissolution of Marriage did not direct SBP Former Spouse coverage.

c. Petitioner had two children: █ born 23 July 1992 and █  
█ born on 12 August 1994.

d. On 9 June 2003, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel, electing SBP Child only coverage at the full gross pay level of coverage.

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

e. Petitioner transferred to the Retired List effective 1 July 2003 and SBP Child only premium deductions began.

f. On 12 August 2016, Petitioner's youngest child turned 22 years of age and as such SBP premiums were suspended due to not having a qualified beneficiary.

g. Petitioner married [REDACTED] on 11 March 2018.

h. On 24 March 2020, Petitioner signed DD Form 2656-6, Survivor Benefit Plan Election Change Certificate, requesting to change coverage to SBP Spouse only at full retired pay level of coverage; Defense Finance and Accounting Service (DFAS) denied the request as a result of not receiving the election within 1-year of marriage.

#### 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 provided sufficient evidence to reflect his desire to enroll SBP Spouse coverage, but failed to notify DFAS of current marriage within 1-year of 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 elected SBP Spouse coverage naming [REDACTED] as the beneficiary, at the same level of coverage as previously elected within 1-year of marriage on 11 March 2018.

Note: No waiver of unpaid premiums will be granted.

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.

3/7/2022

[REDACTED]  
Deputy Director

Signed by: [REDACTED]