



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

[REDACTED]
Docket No. 2890-22
Ref: Signature Date

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

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

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 participation in the Survivor Benefit Plan (SBP) Spouse coverage at full retired pay level of coverage.

2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 4 May 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. Petitioner married [REDACTED] on 7 January 2005 and divorced on 2 May 2018. Final Decree of Divorce did not direct SBP Former Spouse Coverage.

b. Petitioner married current spouse, [REDACTED] on 1 June 2018.

c. On 8 September 2020, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel electing SBP Spouse coverage at the reduced base amount of [REDACTED] with spouse concurrence the same day.

d. Petitioner transferred to the Retired List effective 1 January 2021.

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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 failed to elect SBP Spouse coverage at the maximum rate in accordance with reference (b)¹. Although, Petitioner did not complete the proper administrative requirements, 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 Spouse coverage naming [REDACTED] as the beneficiary, at the "full gross pay" vice "reduced base amount of [REDACTED]" level of coverage prior to transferring to the Retired List effective 1 January 2021. Note: No waiver of unpaid premiums will be granted.

Note: Defense Finance and Accounting Services will complete an audit of Petitioner's pay records to determine the premium amount 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.

5/27/2022

[REDACTED]
Deputy Director
[REDACTED]

¹ 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. Additionally, the election form must specify full coverage, in lieu of a dollar amount, when maximum coverage is selected. Written spousal concurrence is required when the member elects to decline coverage or provide the spouse with less than the maximum SBP coverage available, or to include electing child-only coverage. Any change in SBP election subsequent to retirement will be done through an administrative correction of records as permitted by law.