



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

[REDACTED]  
Docket No. 2902-22  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]  
XXX XX [REDACTED] USMCR RET

Ref: (a) Title 10 U.S.C. § 1552  
(b) DODFMR, Vol 7B, Chp 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 establish Reserve Component Survivor Benefit Plan (RCSBP) Spouse coverage.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 1 June 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), a member notified of their completion of the years of service required for retired pay eligibility for non-regular retirement may elect to participate in RCSBP before the end of the 90-day period. Members who are married or have a dependent child is automatically an immediate participant in RCSBP unless the member elects (with spousal concurrence, if required) not to participate or to defer the decision or delay coverage before the end of the 90-day period. Members who do not have an eligible spouse when becoming eligible to participate in the RCSBP, who later marries, may elect to participate in the RCSBP, if the election is completed within 1-year of acquiring a spouse.

b. On 1 June 2011, Petitioner issued Notification of Entitlement (NOE) to Retired Pay at Age 60 and Eligibility to Participate in the Reserve Component Survivor Benefit Plan (RCSBP).

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c. On 26 March 2018, Petitioner issued Transfer to the Reserve (Awaiting Pay) orders indicating enrollment in RCSBP Option C (Immediate Annuity) effective 8 February 2012.

d. Petitioner transferred to Retired Reserve Awaiting Pay effective 1 June 2018.

e. On 13 April 2019, Petitioner married his wife, [REDACTED].

f. On 26 April 2020, Petitioner signed, Reserve Component Survivor Benefit Plan (RCSBP) Election Certificate electing RCSBP Option C (Immediate Annuity) Spouse only coverage at the full retired pay level of coverage.

### 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 at the time Petitioner was issued his NOE he did not have any dependents. Petitioner provided sufficient evidence to reflect his desire to elect SBP Spouse coverage for his current spouse; however failed to notify Headquarters Marine Corps (MMSR-5) of marriage to [REDACTED] within 1-year of their 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 RCSBP Option C (Immediate Annuity) Spouse only coverage naming [REDACTED] at the full retired pay level of coverage within 1-year of marriage on 13 April 2019.

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.

6/23/2022

[REDACTED]

Deputy Director

Signed by [REDACTED]