



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

█
Docket No. 2926-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █ █, USNR RET,
█

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 add Reserve Component Survivor Benefit Plan (RCSBP) Spouse coverage.

2. The Board, consisting of █, and █ 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, to including reference (b)¹.

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 █ on 16 October 1987 and divorced on 5 July 1996. Judgement of Divorce did not direct RCSBP Former Spouse coverage.

b. Petitioner had two children: █ born on █ and █
█ born on █

c. Petitioner earned 20 total years of qualifying service on 17 July 2001 and was issued Notification of Eligibility (NOE) to Receive Retired Pay at Age 60 and Participate in the RCSBP on 3 October 2001.

d. Petitioner transferred to the Retired Reserve without pay effective 1 November 2001.

¹ In accordance with reference (b), RCSBP elections must be made within 90-days of receiving notification of eligibility to retire and the election to participate in or decline coverage 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.

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[REDACTED]

e. On 12 December 2001, Petitioner signed NRPC 1772/3, Reserve Component Survivor Benefit Plan electing RCSBP Option "C" (Immediate Annuity) Children only coverage at the full retired pay level of coverage.

f. Petitioner married [REDACTED] on 18 September 2010.

g. Petitioner's youngest child turned 22 years old on [REDACTED], aging out from being an eligible beneficiary under RCSBP.

h. Petitioner's 60TH birthday was [REDACTED], however, per Navy Personnel Command (PERS-912E) verification of 29 April 2022, Petitioner has not applied for retired pay.

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 participation in RCSBP following receipt of NOE in 2001, but failed to notify Navy Personnel Command (PERS-912) of current 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 changed RCSBP election from "Child" to "Spouse and Child" coverage naming [REDACTED] and [REDACTED] as the beneficiaries, at the same level of coverage as previously elected within 1-year of marriage on 18 September 2010.

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.

5/27/2022

[REDACTED]
Deputy Director
[REDACTED]