



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

█  
Docket No. 3066-22  
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, 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 reflect participation in the Survivor Benefit Plan (SBP) Spouse coverage.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 15 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. Petitioner married █ on █ and first child, █ was born on █. Petitioner transferred to the U.S. Navy Reserve on 1 June 1993. Petitioner's second child, █ was born on █. Petitioner divorced █ on █—Final Decree of Divorce did not direct SBP Former Spouse coverage.

b. On 15 September 2000 Petitioner issued Retirement Order and Transfer Authorization to Retired Reserve Status/Notification of Eligibility for Retired Pay at Age 60 and Election Available Under the Reserve Component Survivor Benefit Plan. Petitioner transferred to the Retired Reserve without pay effective 1 September 2000.

c. On 13 October 2000 Petitioner signed NRPC 1772/3, Reserve Component Survivor Benefit Plan electing Option C (Immediate Annuity) for Children only coverage.

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

d. Petitioner married [REDACTED] on [REDACTED]. On 5 March 2007 Petitioner signed DD Form 2656-5, 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; Navy Personnel Command received the form on 21 March 2007.

e. Petitioner transferred to the Retired Reserve with pay effective 18 March 2019.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. Petitioner met the eligibility criteria to participate in RCSBP Spouse and Child coverage upon getting married in accordance with reference (b)<sup>1</sup>. Navy Personnel Command received Petitioner's updated election a couple of days after his 1-year wedding anniversary, an incorrect form was used and the election eliminated the children, thereby rendering the election invalid. Although Petitioner did not complete the proper administrative requirements, the Board felt, under these circumstances, relief is warranted.

## RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner changed RCSBP election from "Children" to "Spouse and Children" coverage naming [REDACTED], [REDACTED] and [REDACTED] as beneficiaries within 1-year of marriage on [REDACTED].

Petitioner elected SBP Spouse only coverage naming [REDACTED] as beneficiary, at the same level of coverage as previously elected prior to transferring to the Retired Reserve with pay effective 18 March 2019.

That no further changes be made to Petitioner's naval record.

That a copy of this report of proceedings 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.

---

<sup>1</sup> 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 Reserve Component Survivor Benefit Plan 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 does 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. However, children coverage may not be eliminated.

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

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.

7/9/2022

[REDACTED]