

DEPARTMENT OF THE NAVY

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

> Docket No. 4783-22 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, Chp 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 Survivor Benefit Plan (SBP) Spouse coverage at a reduced base amount of \$1,000.00.
- 2. The Board, consisting of partial pa
- 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 4 January 2001.
- b. on 19 March 2019, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel, electing SBP Spouse coverage at a reduced base amount of \$1,000—the form is missing the Part V SBP Spouse Concurrence block.
- c. Petitioner transferred to the Fleet Reserve effective 1 October 2019 and was automatically enrolled in SBP Spouse coverage based on full gross pay due spousal concurrence not being obtained on his DD Form 2656, Data for Payment of Retired Personnel.

¹ Reference (b), every retiring member who is married at retirement is automatically enrolled in SBP for full coverage unless the spouse consents in writing to reduced coverage or no coverage before the first day of eligibility to retired pay. Any change in SBP election subsequent to retirement will be done through an administrative correction of records as permitted by law.

d. On 6 May 2022, Petitioner and spouse signed SBP Affidavit before a notary witness requesting to elect SBP coverage at a reduced base amount of \$1,000.

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 and spouse's desire to elect SBP Spouse coverage at a reduced base amount of \$1,000. Although the proper administrative requirements were not completed, 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 at a reduced base amount of \$1,000 with spouse concurrence prior to transferring to the Fleet Reserve effective 1 October 2019.

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

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.

