



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

[REDACTED]  
Docket No. 5757-22  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]  
[REDACTED]

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 participation in the Survivor Benefit Plan (SBP) spouse coverage.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 31 August 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. On 29 November 2017, Petitioner signed DD Form 2656 (Data for Payment of Retired Personnel) electing not to participate in SBP coverage, and was received by Defense Finance and Accounting Service (DFAS) on 4 December 2017.

b. Petitioner transferred to Retired List effective 1 January 2018.

c. Petitioner married [REDACTED] on 7 August 2020.

d. On 1 July 2022, Petitioner signed DD Form 2656-6 (Survivor Benefit Plan Election Change Certificate) electing SBP spouse only coverage at the full retired pay level of coverage.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]

## 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 desire to enroll SBP spouse coverage, but failed to notify DFAS of current marriage within 1-year of nuptials in accordance with reference (b).<sup>1</sup> 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 SBP spouse coverage naming [REDACTED] as the beneficiary, at the full-retired pay level of coverage within 1-year of marriage on 7 August 2020.

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.

9/20/2022

[REDACTED]  
Deputy Director  
[REDACTED]

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<sup>1</sup> Reference (b), an SBP election must be made prior to a member becoming eligible to retired pay and that election is irrevocable. However, if on the date of retirement the member has no eligible beneficiaries and does not elect to participate; the member may, within 1-year of the acquisition of a spouse or child, elect for that spouse and/or child.