



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

██████████  
Docket No. 7778-22  
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 declined participation in the Survivor Benefit Plan (SBP).

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 2 November 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 4 May 2001.

b. Defense Finance and Accounting Service (DFAS) received Petitioner's incomplete DD Form 2656, Data for Payment of Retired Personnel on 2 July 2021.

c. Petitioner transferred to the Fleet Reserve effective 1 November 2021 and was automatically enrolled in SBP Spouse coverage.

d. On 13 January 2022, Petitioner signed DD Form 2656-6, Survivor Benefit Plan (SBP)<sup>1</sup> Election Change Certificate electing to suspend coverage.

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<sup>1</sup> Reference (b), SBP elections must be made prior to retired pay becoming payable and the election to participate in or decline SBP is irrevocable. If not all requirements for an election needing the spouse's concurrence have been satisfied prior to retirement, for whatever reason, full spouse costs, and coverage will be implemented, regardless of any request to do otherwise. Any change in SBP election subsequent to retirement will be done through an administrative correction of records as permitted by law.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN RET, XXX-XX-[REDACTED]

e. On 15 February 2022, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel electing not to participate in SBP coverage with spousal concurrence; however, there is no record of DFAS receiving this form and it was signed after date of retirement.

f. On 7 July 2022, Personnel Officer, [REDACTED] provided a memorandum to DFAS as justification for the Petitioner to decline for SBP and refund of deductions.

g. On 21 October 2022, Petitioner and spouse signed SBP Affidavit before a notary witness requesting to decline 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 Petitioner provided sufficient evidence to reflect his and spouse's desire to decline SBP coverage. 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 to decline participation in SBP with spouse concurrence prior to transferring to the Fleet Reserve effective 1 November 2021. Note: DFAS 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.

11/14/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]