



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

[REDACTED]  
Docket No. 7830-22  
Ref: Signature Date

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

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

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 establish Reserve Component Survivor Benefit Plan (RCSBP) Former Spouse coverage.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] 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 [REDACTED] on 25 April 1992 and first child, [REDACTED] was born on 14 August 1996. Petitioner transferred to the U.S. Navy Reserve on 1 February 1997. Petitioner's second child, [REDACTED] was born on 20 June 1999.

b. Petitioner transferred to the Retired Reserve without pay effective 1 June 2014.

c. Petitioner divorced [REDACTED] on 17 October 2014. Divorce Decree directed SBP Former Spouse coverage.

d. Petitioner's second child, [REDACTED] died on 10 November 2014.

e. Petitioner married [REDACTED] on 17 December 2016.

f. On 23 June 2022, Petitioner's former spouse signed DD Form 2656-1, Survivor Benefit Plan (SBP) Election Statement for Former Spouse Coverage; Petitioner signed the form on 1 July 2022.

g. On 1 July 2022, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel electing SBP Former Spouse coverage; however, the form is missing the spouse's concurrence.

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h. On 19 August 2022, Navy Personnel Command (NPC) notified Defense Finance and Accounting Service that Petitioner was issued Notification of Eligibility (NOE) to Receive Retired Pay at or after Age 60 and Participate in RCSBP on 14 April 2009. Because NPC did not received an election by 13 July 2009, Petitioner was automatically enrolled into RCSBP Spouse and Child coverage.

i. On 24 October 2022, Petitioner and spouse signed SBP Affidavit before a notary witness requesting SBP Former Spouse 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 failed to change RCSBP election to Former Spouse coverage as directed by the Divorce Decree and in accordance with reference (b).<sup>1</sup> Although, Petitioner did not complete the proper administrative requirements, the Board felt that under these circumstances, relief is warranted.

## RECOMMENDATION

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

Petitioner changed RCSBP election from "Spouse and Child" to "Former Spouse" coverage naming [REDACTED] as the beneficiary, at the same level of coverage as previously elected within 1-year of divorce on 17 October 2014.

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]

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<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 RCSBP 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 members 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. Member who elected spouse or spouse and child coverage when becoming eligible to participate in the RCSBP, may within 1-year of the date of the decree of divorce, dissolution, or annulment of that marriage, change the election to provide the RCSBP annuity to the former spouse or the former spouse and child.