



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

█  
Docket No. 8098-22  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █  
█

Ref: (a) Title 10 U.S.C. § 1552  
(b) DODFMR, Vol 7B, Chapter 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 her naval record be corrected to reflect declined participation in the Survivor Benefit Plan (SBP).

2. The Board, consisting of █, reviewed Petitioner's allegations of error and injustice on 9 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, to include reference (b).<sup>1</sup>

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, she exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. Petitioner had three children while on active duty: █ (4 February 2004), █ (23 October 2011), and █ (24 March 2013).

b. On 30 March 2022, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel, however, she failed to make an SBP election, and the witness signed the form on 22 June 2022.

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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 is irrevocable. However, a member who is entitled to retired pay generally will be given automatic full coverage, unless the member elects to reduce coverage or declines participation, with proper concurrence of the eligible spouse, if applicable. Any change subsequent to retirement will be done through an administrative correction of records as permitted by law.

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[REDACTED]

c. Petitioner transferred to the Fleet Reserve effective 1 July 2022 and SBP Spouse coverage premium deductions began.

#### 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 her desire decline SBP coverage, as she was not married at the time of retirement. 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 elected to decline participation in SBP prior to transferring to the Fleet Reserve effective 1 July 2022.

Note: Defense Finance and Accounting Service will complete an audit 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.

11/22/2022

[REDACTED]  
Deputy Director  
[REDACTED]