

DEPARTMENT OF THE NAVY

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

> Docket No. 9529-22 Ref: Signature Date

From: To:	Chairman, Board for Correction of Naval Records Secretary of the Navy
Subj:	REVIEW OF NAVAL RECORD ICO
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
enclos	suant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed ure (1) with the Board for Correction of Naval Records (Board), requesting that his naval be corrected to establish Reserve Component Survivor Benefit Plan (RCSBP) Spouse ge.
allegat that the Docun	e Board, consisting of reviewed Petitioner's ions of error and injustice on 25 January 2023 and, pursuant to its regulations, determined e corrective action indicated below should be taken on the available evidence of record. The nentary material considered by the Board consisted of the enclosures, relevant portions of the ner's naval record, and applicable statutes, regulations, and policies.
error a	Board, having reviewed all the facts of record pertaining to Petitioner's allegations of and injustice, found that, before applying to this Board, he exhausted all administrative less available under existing law and regulations within the Department of the Navy. The made the following findings:
when bin the	In accordance with reference (b), any member who does not have an eligible beneficiary becoming eligible to participate in the RCSBP, who later marries, may elect to participate RCSBP, if the election is completed within one year of acquiring a spouse. However, the er may not reduce the level of RCSBP coverage nor may child coverage be eliminated.
	Petitioner married on 3 August 1992 and divorced on 31 May 1996. aint of Divorce did not direct Survivor Benefit Plan (SBP) Former Spouse coverage.
	Petitioner married lon December and divorced on January udgement of Dissolution of Marriage did not direct SBP Former Spouse coverage.
d. l	Petitioner has two children:, born, and,

- e. On 2 January 2009, Petitioner issued Notification of Eligibility (NOE) to Receive Retired Pay at Age 60 and Participate in the Reserve Component Survivor Benefit Plan (RCSBP).
- f. On 22 January 2009, Petitioner elected RCSBP Option C (Immediate Annuity) Children only coverage at the full retired pay level of coverage.
 - g. Petitioner transferred to the Retired Reserve without pay effective 1 August 2010.

h. Petitioner married	on
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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 participation in RCSBP following receipt of NOE in 2009, but failed to notify Navy Personnel Command (PERS-912) of current marriage to within 1-year of their nuptials. 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 changed RCSBP election from "Children" to "Spouse and Child" coverage naming as the beneficiaries, at the same level of coverage as previously elected within 1-year of marriage on 29 April 2019.

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.

