



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

█
Docket No. 908-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █, USN,
XXX-XX-█ (RET)

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 █, █, and █ reviewed Petitioner's allegations of error and injustice on 31 May 2023 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, 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 married █ on 10 March 2008, and acquired █, born █ as a step-child.

b. Petitioner has two children: █ born on 1 September 2011 and █ born on █.

c. On 22 April 2019, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel electing SBP Children coverage with spouse concurrence; Defense Finance and Accounting Service received the election on 23 April 2019. This action was completed for Petitioner's impending transfer to the Fleet Reserve effective 1 September 2019.

d. On 16 August 2019, Petitioner advanced to Operations Specialist Senior Chief Petty Officer (OSCS)/E-8 and continued on active duty.

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

e. On 29 April 2022, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel electing not to participate in SBP; Petitioner's witness signed on 2 May 2022 and the spouse signed on 30 April 2022 but the notary witness was dated 29 April 2022.

f. Petitioner transferred to the Fleet Reserve effective 1 September 2022 and SBP Child coverage premium deductions began.

g. On 26 May 2023, Petitioner and spouse signed SBP Affidavit before a notary witness requesting to decline SBP 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 her and spouse's desire to decline SBP coverage prior to transferring to the Fleet Reserve effective 1 September 2022. Although the proper administrative requirements were not completed, the Board agreed 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 September 2022.

Note: Defense Finance and Accounting Services 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.

6/9/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]