



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

■  
Docket No. 4240-23  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ■■■■■■■■■■ USN,  
■■■■■■■■■■

Ref: (a) Title 10 U.S.C. § 1552  
(b) DoD 7000.14-R  
(c) DD Form 2656  
(d) Title 10 U.S.C. § 3702

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 timely submission of request to suspend Survivor Benefit Plan (SBP) coverage after divorcing first spouse.

2. The Board, consisting of ■■■■■■■■■■, and ■■■■■■■■■■ reviewed Petitioner's allegations of error and injustice on 14 February 2024 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. In accordance with 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 by the member to do otherwise. Any change in SBP election subsequent to retirement will be done through an administrative correction of records as permitted by law. Additionally, the policy specifies a member who is participating with spouse or spouse and child coverage and who does not have an eligible spouse beneficiary may, upon remarriage: resume coverage, increase the level of coverage up to and including full retired pay, or elect not to have spouse coverage resumed. Unless a member elects not to cover the new spouse within 1 year

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[REDACTED]

after the marriage, spouse coverage automatically resumes at the first anniversary of the marriage.

b. Reference (c), stipulates “The date of the spouse’s signature in Item 32.b MUST NOT before the date of the member’s signature in Item 30.b above.”

c. Pursuant to reference (d), a claim against the Government must be received by the official responsible for settling the claim or by the agency that conducts the activity from which the claim arises within 6-years after the claim accrues.

d. On 5 October 1996, Petitioner married [REDACTED].

e. On 16 April 2009, Petitioner’s spouse signed DD Form 2656, Data for Payment of Retired Personnel before a notary witness concurring with spouse’s SBP election; however, Petitioner did not sign the form until 10 June 2009.

f. Petitioner transferred to the Fleet Reserve effective 1 August 2009 and automatically enrolled in SBP Spouse coverage as a result of spouse signing DD Form 2656, Data for Payment of Retired Personnel before Petitioner.

g. On 5 March 2010, Petitioner divorced [REDACTED]. Judgement, Termination of the civil effects of marriage did not direct SBP Former Spouse coverage.

h. On 17 December 2019, Petitioner married [REDACTED]. Spouse added as SBP annuitant effective 17 December 2020.

i. On 18 December 2022, Petitioner signed and submitted DD Form 2656-6, SBP Election Change Certificate to Defense Finance and Accounting Service (DFAS) requesting to suspend SBP Spouse coverage due to divorce.

j. On 10 February 2023, Petitioner signed and submitted DD Form 2656-8, SBP Automatic Coverage Fact Sheet to DFAS and named [REDACTED] as his spouse.

## 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 notify DFAS of his divorce in a timely manner. Although Petitioner did not complete the proper administrative requirements, the Board found that had he received clear guidance on suspending SBP Spouse coverage, he would have taken appropriate action. Therefore, the Board agreed that under this circumstance, relief is warranted.

## RECOMMENDATION

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

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[REDACTED]

Petitioner submitted DD Form 2656-6, SBP Election Change Certificate to DFAS in a timely manner, requesting to suspend SBP Spouse coverage due to divorce from first spouse.

Note: This change will entitle Petitioner to receive barred premium refund. DFAS will complete an audit of Petitioner's pay records to determine Petitioner's pay entitlements.

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.

3/6/2024

