



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

█  
Docket No. 5764-23  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █, USNR,  
XXX-XX-█ RET

Ref: (a) Title 10 U.S.C. § 1552  
(b) DoD 7000.14-R

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 establish participation in the Survivor Benefit Plan (SBP) Spouse coverage.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 21 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, she 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), members who do not have an eligible spouse when becoming eligible to participate in the Reserve Component Survivor Benefit Plan (RCSBP) or SBP, who later marries, may elect to participate in the RCSBP or SBP, if the election is completed within 1-year of acquiring a spouse.

b. On 25 October 1986, Petitioner married █.

c. On 1 November 1990, Petitioner's child, █ was born.

d. On 23 April 1991, Petitioner divorced █. Judgement of Divorce did not direct RCSBP or Survivor Benefit Plan (SBP) Former Spouse coverage.

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e. On 26 January 2002, Petitioner married [REDACTED], and divorced on 27 May 2003. Final Decree of Divorce did not direct RCSBP or SBP Former Spouse coverage. This spouse is not reflected in the Defense Enrollment Eligibility Reporting System.

f. On 30 November 2003, Petitioner earned 20 years of qualifying service for non-regular retirement and issued Notification of Eligibility (NOE) to Receive Retired Pay at Age 60 and Participate in the Reserve Component Survivor Benefit Plan (RCSBP) on 25 March 2004.

g. On 1 February 2006, Petitioner transferred to the Retired Reserve without pay.

h. On 21 January 2021, Petitioner transferred to the Retired Reserve with pay and RCSBP premium deductions began for coverage rendered from 31 May 2004 through 23 April 2012 at which time the child aged out of being an eligible RCSBP beneficiary.

i. On 9 December 2021, Petitioner married [REDACTED].

j. On 18 August 2022, Petitioner signed DD Form 2656-5, Reserve Component Survivor Benefit Plan (RCSBP) Election Certificate in an attempt to elect SBP Spouse coverage; the form was received by Navy Personnel Command (PERS-912E) on 1 September 2022.

k. On 18 August 2022, Petitioner signed DD Form 2656-6, Survivor Benefit Plan Election Change Certificate requesting SBP Spouse coverage. There is no record of PERS-913E receiving this form.

l. On 20 October 2022, PERS-912E issued Petitioner notification indicating "The DD Form 2656-5 is the wrong form to submit for a Survivor Benefit Plan Election Change."

## 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 to participate in SBP Spouse coverage but failed to correctly notify Defense Finance and Accounting Service via PERS-912E of her current marriage within 1-year of nuptials in accordance with reference (b). Although Petitioner did not complete the proper administrative requirements, the Board determined that relief is warranted.

## RECOMMENDATION

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

Petitioner properly elected SBP Spouse coverage naming [REDACTED] as the beneficiary at the full-retired pay level of coverage within, 1-year of marriage on 9 December 2021.

Note: The Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to determine Petitioner's pay entitlements.

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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.

3/8/2024

