

Subj: REVIEW OF NAVAL RECORD [REDACTED], USN,
[REDACTED] RET

d. Petitioner transferred to the Temporary Disability Retired List (TDRL) effective 19 May 2023 and automatically enrolled in SBP Spouse and Child coverage as a result of the witness signing DD Form 2656, Data for Payment of Retired Personnel a year after Petitioner.

e. On 25 January 2024, Petitioner and spouse signed SBP Affidavit before a notary witness requesting to decline SBP coverage due to receiving insufficient SBP information/counseling prior to date of retirement.

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 surmised Petitioner may not have received adequate SBP counseling due to medical processing but concluded he provided sufficient evidence to reflect his and spouse's desire to decline SBP coverage. Although Petitioner did not complete the proper administrative requirements, the Board determined that under this circumstance, 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 TDRL effective 19 May 2023.

Note: The Defense Finance and Accounting Service 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.

2/13/2024

