



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

■  
Docket No. 6527-23  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,  
[REDACTED] 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 his naval record be corrected to establish Survivor Benefit Plan (SBP) Child only coverage.

2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 31 January 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. Elections for child only SBP coverage, reduced level of coverage and declined coverage require spouse concurrence. 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.

b. On 14 May 2012, Petitioner married [REDACTED].

c. On [REDACTED], Petitioner's child, [REDACTED], was born.

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d. On 16 June 2019, Petitioner's spouse passed away.

e. On 7 June 2022, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel, electing to decline SBP participation; this form was submitted to Defense Finance and Accounting Service (DFAS) for processing.

f. On 19 July 2022, Petitioner signed a subsequent DD Form 2656, Data for Payment of Retired Personnel, electing SBP Child only coverage based on full gross pay level of coverage; the form was not signed by a witness and DFAS has no record of the form being received.

g. Petitioner transferred to the Retired List effective 1 August 2022. HUNT retirement system reflects Petitioner was initially automatically enrolled in SBP with a monthly premium of \$403.52 but subsequently updated to reflect declined participation.

h. On 24 October 2022, Petitioner signed DD Form 2656-8, Survivor Benefit Plan (SBP) – Automatic Coverage Fact Sheet and DD Form 2656-6, Survivor Benefit Plan Election Change Certificate to an attempt to establish SBP Child 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 his desire to elect SBP coverage prior to transferring to the Retired List. However, Petitioner's subsequent election for SBP Child only coverage was not received by DFAS, resulting in declined SBP coverage. Although the proper administrative requirements were not completed, 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 SBP Child only coverage naming [REDACTED] as beneficiary prior to transferring to the Retired List effective 1 August 2022.

The 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

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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.

2/20/2024

