



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

██████████
Docket No. 6632-23
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) DoD 7000.14R Vol. 7B

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

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 29 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. On 18 November 1989, Petitioner married ██████████ and had two children: ██████████ born on 10 April 1991 and ██████████ born on 11 November 1995.

b. On 8 November 1999, Petitioner divorced ██████████. Finding of Fact, Conclusion of Law, and Judgement of Divorce did not direct SBP Former Spouse coverage.

c. Petitioner transferred to the Fleet Reserve effective 1 October 2008 and SBP Children only premium deductions began.

d. On 11 November 2017, Petitioner's youngest child aged out of being an eligible SBP beneficiary.

e. On 9 February 2019, Petitioner married ██████████.

f. On 17 September 2020, the Defense Finance and Accounting Service (DFAS) received Petitioner's DD Form 2656-6, Survivor Benefit Plan Election Change Certificate requesting to

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XXX-XX-[REDACTED] RET

change SBP coverage from no coverage to Spouse only coverage at the full retired pay level of coverage due to marriage. DFAS received the marriage certificate on 30 September 2020.

g. On 23 June 2023, DFAS notified Petitioner “[w]e received your request previously to add your spouse and sent a letter stating that we could not add your spouse due to non receipt within one year of marriage. After appeal to DOHA [Defense Office of Hearing and Appeals], they determined that our denial is correct and spud should not be added.”

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 participate in SBP Spouse coverage but failed to correctly notify DFAS of his current marriage within 1-year of nuptials in accordance with reference (b).¹ 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 elected SBP Spouse coverage naming [REDACTED] as the beneficiary at the full-retired pay level of coverage within, 1-year of marriage on 9 February 2019.

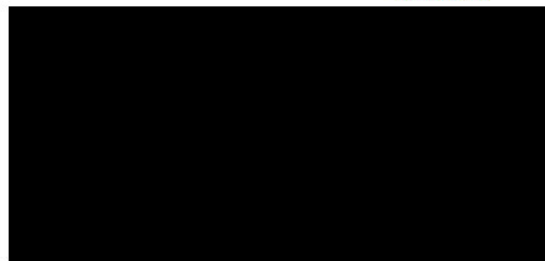
Note: No waiver of unpaid premiums will be granted.

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.

3/20/2024



¹ Reference (b), members who do not have an eligible spouse when becoming eligible to participate in the SBP, who later marries, may elect to participate in the SBP, if the election is completed within 1-year of acquiring a spouse.