



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

■
Docket No. 6864-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USNR,
XXX-XX-[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 amended to reflect Reserve Component Survivor Benefit Plan (RCSBP) Spouse and Children coverage.

2. The Board, consisting of [REDACTED], [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), a member notified of their completion of the years of service required for retired pay eligibility for non-regular retirement may elect to participate in RCSBP before the end of the 90-day period. Members who do not have an eligible spouse or children when becoming eligible to participate in the RCSBP, who later marries or has children, may elect to participate in the RCSBP, if the election is completed within 1-year of acquiring a spouse or child.

b. On 26 February 1993, Petitioner married [REDACTED].

c. On 2 August 2005, Petitioner accepted a reserve commission when he transferred from the regular active duty Navy to the U.S. Naval Reserve.

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d. On [REDACTED], Petitioner issued Notification of Eligibility to Received Retired Pay at Age 60 and Participation in the Reserve Component Survivor Benefit Plan.

e. On 24 January 2011, Petitioner signed DD Form 2656-5, Reserve Component Survivor Benefit Plan (RCSBP) Election Certificate, electing to participate in Option C (Immediate Annuity) RCSBP Spouse only coverage at the full-retired pay level of coverage.

f. Petitioner transferred to the Retired Reserve without pay effective 1 December 2014.

g. On [REDACTED], Petitioner's children, [REDACTED] and [REDACTED], were born.

h. Petitioner transferred to the Retired Reserve with pay effective 29 April 2023 and RCSBP and Survivor Benefit Plan (SBP) premium deductions began for spouse only 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 participation in RCSBP following receipt of Notice of Eligibility in 2011 but failed to notify Navy Personnel Command (PERS-912) of the birth of his children within 1-year of their birth date. Although Petitioner did not complete the proper administrative requirements in a timely manner, the Board determined that under this circumstance, relief is warranted.

RECOMMENDATION

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

Petitioner changed RCSBP election from "Spouse" to "Spouse and Children" coverage naming [REDACTED], [REDACTED], and [REDACTED] as beneficiaries within 1 years of the children's date of birth on [REDACTED].

Petitioner elected SBP Spouse and Children coverage naming [REDACTED], [REDACTED], [REDACTED], and [REDACTED] effective 29 April 2023. Note:

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

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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

[REDACTED]