

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
XXX XX [REDACTED] USMC RET

c. Petitioner transferred to the Retired List effective 1 November 2011 and automatically enrolled in SBP Spouse and Children coverage because Defense Finance and Accounting Service did not receive a DD Form 2656, Data for Payment of Retired Personnel.

d. On 25 February 2021, Petitioner signed DD Form 2656-8, SBP – Automatic Coverage Fact Sheet and submitted to the Defense Finance and Accounting Service for processing.

e. On 31 August 2022, Petitioner divorced [REDACTED]. Agreed Final Decree of Divorce indicates, “The Court finds that the parties have entered into a written agreement as contained in this decree by virtue of having approved this decree as to both form and substance. To the extent permitted by law, the parties stipulate the agreement is enforceable as a contract. The Court approves the agreement of the parties as contained in this Final Decree of Divorce.” The agreement did not direct SBP Former Spouse coverage.

f. On 13 September 2022, Petitioner and former spouse signed DD Form 2656-1, SBP Election Statement for Former Spouse Coverage and annotated that the election was not pursuant to the requirements of a court order. However, Defense Finance and Accounting Service does not have record of receiving the DD Form 2656-1.

g. On 30 August 2023, Defense Finance and Accounting Service notified Petitioner “[w]e received your recent correspondence but cannot take action at this time because additional information is needed. Other: We received your divorce decree dated August 31, 2022. Please note, your current SBP Spouse beneficiary is no longer eligible for coverage due to divorce and valid deemed election for Former Spouse coverage was not received. Complete, sign, and return the: DD 2656-6 SBP Election Change Certificate.”

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 Former Spouse coverage within 1-year of his divorce. 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 changed SBP election from “Spouse and Children” to “Former Spouse” coverage naming [REDACTED] as the beneficiary, at the same level of coverage as previously elected within 1-year of divorce on 31 August 2022.

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.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
XXX XX [REDACTED] [REDACTED] USMC RET

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.

2/23/2024

