



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

BAN  
Docket No. 03341-10  
1 September 2010

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

Subj: REVIEW OF NAVAL RECORD [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments  
(2) Headquarters United States Marine Corps (HQMC) memo  
1741 MMSR-6K of 24 May 10  
(3) DD Form 2656 dated 3 Jun 09

1. Pursuant to the provisions of reference (a) Petitioner filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show that Petitioner enrolled in the Survivor Benefit Plan (SBP) electing "children-only" coverage with spousal concurrence on 3 June 2009, prior to his effective date of retirement on 1 October 2009.

2. The Board, consisting of Messrs. Pfeiffer, Zsalman, and George, reviewed Petitioner's allegations of error and injustice on 19 July 2010 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, naval records, 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, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. On 3 June 2009, Petitioner completed a DD Form 2656 declining Survivor Benefit Plan (SBP) coverage with spousal concurrence. He retired on 1 October 2009. On 17 December 2009, approximately two months after his retirement date,

Petitioner submitted a request to the Board for Correction of Naval Records requesting to change his SBP election from declining coverage to "child(ren)-only" coverage. Petitioner reasoned that the SBP program was not fully explained to him, and that he was unaware that he could have elected the "child(ren)-only" option [although there is a box that states "I elect coverage for child(ren)" on the DD Form 2656,] enclosures (1) and (3).

c. By enclosure (2), HQMC recommended that no relief be granted, stating Petitioner's "...election is irrevocable if not revoked before the date on which the person first becomes entitled to retired pay". Additionally, HQMC stated that there was "no supporting documentation to support [REDACTED] revoking his election not to participate in SBP".

#### CONCLUSION:

Upon review and consideration of all the evidence in the record, the Board concludes that Petitioner's request warrants favorable action. The Board understood and carefully considered the comments made in enclosure (2). The Board found no corroboration for Petitioner's claim that he received inadequate counseling. However, the Board does understand that the transition from active duty to retired status can create financial stress and uncertainty. Petitioner's request to enroll his child(ren) was made within 3 months of his retirement. In the Board's view, because the lapse of time between retirement and the request was short, and because the child(ren) coverage will only be effective until the child(ren) reaches adulthood, the potential for prejudice against the government is minor. For these reasons, the Board finds that, as an exception to policy, applicant's request should be granted favorable consideration.

#### RECOMMENDATION:

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

a. On 3 June 2009, prior to his retirement, Petitioner executed a written request for SBP coverage with his spouse's concurrence electing "child(ren)-only" coverage.

b. Upon his retirement, effective 1 October 2009, Petitioner was enrolled in the SBP "child(ren) only" category.

c. Petitioner is responsible for any unpaid SBP costs that would have been deducted after his retirement on 1 October 2009, if he had elected "child-only" coverage. No waiver of unpaid costs will be granted.

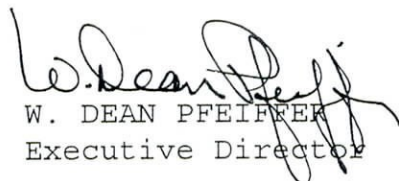
d. That a copy of the Report of Proceedings, be filed in the Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that 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.

ROBERT D. ZSALMAN  
Recorder

  
WILLIAM J. HESS, III  
Acting Recorder

5. The foregoing action of the Board is submitted for your review and action.

  
W. DEAN PFEIFFER  
Executive Director

Reviewed and approved:



10/15/10

ROBERT L. WOODS  
Assistant General Counsel  
(Manpower and Reserve Affairs)  
1000 Navy Pentagon, Rm 4D548  
Washington, DC 20350-1000