



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

[REDACTED]
Docket No. 374-17
MAY 07 2017

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

Subj: REVIEW OF NAVAL RECORD ICO
[REDACTED] USNR RET, [REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(2) Subject's naval record

1. Pursuant to the provisions of reference (a) Subject's widow, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show timely written request to elect spouse coverage under the Survivor Benefit Plan (SBP) within one year of the marriage.
2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 16 March 2017 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 13 June 2008, Petitioner received his Notice of Eligibility to Participate in the Reserve Component Survivor Benefit Plan (RCSBP). He did not reply to the letter within the required 90 days and was automatically enrolled in "child only" coverage, as he was unmarried at the time.
 - c. On 1 January 2011, Petitioner transferred to the Retired Reserve without pay.
 - d. On 28 October 2012, Petitioner married [REDACTED]
 - e. On 5 March 2013, Petitioner was authorized retired pay vice his 60th birthday [REDACTED]
 - f. On 12 July 2013, Petitioner and spouse signed a DD Form 2656-6 electing SBP spouse only coverage. They did not mean to remove child coverage, so they signed another DD Form 2656-6 electing SBP spouse and child coverage on 18 September 2013. The election was made

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[REDACTED] USNR RET, [REDACTED]

within one year of the marriage, but the DD Form 2656 was not received by DFAS until after the one year anniversary.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the fact that the Petitioner and spouse elected spouse and child coverage within one year of the marriage, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

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

a. The Petitioner elected SBP spouse coverage, naming Betty Sue Bonaccorso, at the same level of coverage as previously elected, within one year of the date of his marriage (which occurred on 28 October 2012). Note: this does not impact his election of RCSBP/SBP child coverage. Any other election or declination executed by Petitioner is null and void.

b. Petitioner is responsible for unpaid SBP costs that would have been deducted beginning the first day of the thirteenth month following his marriage to [REDACTED] No waiver of unpaid premiums will be granted.

c. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. 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.

[REDACTED]
Recorder

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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

[REDACTED]
Executive Director