



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

[REDACTED]
Docket No. 482-17
APR 26 2017

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED] USN 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, 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 for full spouse coverage under the Survivor Benefit Plan (SBP).

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 9 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 30 June 2015, Petitioner retired and elected SBP reduced spouse coverage, with a base amount of \$1500. Petitioner incorrectly thought that his spouse would receive the full base amount, rather than half of the base amount.

c. On 9 October 2015, the Petitioner was officially divorced from spouse.

d. On 17 May 2016, a Consent addendum to final judgment of dissolution of marriage was issued stating the following: "The former wife's SBP benefit, as set forth in the parties' Consent Final Judgment of Dissolution of Marriage is hereby clarified. DFAS shall establish the SBP benefit on behalf of [REDACTED] the former Wife."

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the Petitioner's confusion over the SBP base amount, the Board finds the existence of an injustice warranting the following corrective action.

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RECOMMENDATION:

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

- a. Prior to his 30 June 2015 transfer to the Retired List, Petitioner elected Survivor Benefit Plan (SBP) spouse coverage at the "full" vice "Reduced" base amount. 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 at the date of his transfer to the Retired List. 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