



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

[REDACTED]
Docket No. 784-17
JUL 25 2017

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

Subj: REVIEW OF NAVAL RECORD ICO

[REDACTED] USMC RET

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 the Petitioner declined enrollment in the Survivor Benefit Plan (SBP).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 20 April 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. Petitioner and [REDACTED] were married on 19 September 2008.

c. Petitioner and his spouse signed a DD Form 2656 electing SBP spouse coverage prior to his transfer to the Temporary Disability Retired List (TDRL). Petitioner was medically retired and did not receive sufficient SBP counselling. The spouse has provided a signed and notarized affidavit waiving his right to SBP coverage.

d. On 30 May 2016, Petitioner transferred to the TDRL.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the fact that the Petitioner was medically retired, 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:

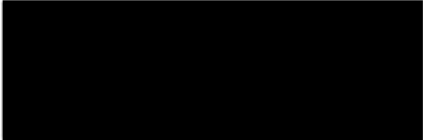
a. Prior to his 30 May 2016 transfer to the Temporary Disability Retired List, Petitioner declined enrollment in SBP with spouse concurrence. Any other election or declination executed by Petitioner is null and void.

b. 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.


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.


Executive Director