



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

[REDACTED]
Docket No. 4909-17

OCT 24 2017

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

Subj: REVIEW OF NAVAL RECORD ICC [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 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 July 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 24 October 2001, Petitioner was medically separated. On 16 November 2016, a Physical Disability Board of Review (PDBR) adjudicated the disability rating accompanying the medical separation. The PDBR recommended the separation of re-characterized to reflect permanent disability retirement with a combined disability rating of 50% rather than 10%. Prior to being medically retired, Petitioner received insufficient SBP counselling.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the fact that service members who are medically retired typically receive insufficient SBP counselling, the Board finds the existence of an injustice warranting the following corrective action.

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

RECOMMENDATION

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

Prior to his 24 October 2001 transfer to the Permanent Disability Retired List, Petitioner declined enrollment in SBP. Petitioner has never been married. Any other election or declination executed by Petitioner is null and void.

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