



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

[REDACTED]
Docket No. 5017-17
NOV 20 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 the Petitioner elected enrollment in Survivor Benefit Plan (SBP) "spouse only" coverage and suspended "spouse only" coverage at the time of divorce.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 3 August 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 September 2000, Petitioner married [REDACTED]

c. On 30 November 2010, Petitioner transferred to the Fleet Reserve and was automatically enrolled in "spouse only" SBP coverage.

d. Petitioner divorced [REDACTED] on 29 December 2016 and provided the divorce decree to the Defense Finance and Accounting Service (DFAS) to suspend spouse coverage. At that time, DFAS realized that the Petitioner hadn't been automatically enrolled in "child" SBP coverage at the time of retirement despite having eligible dependent children. To correct the error, DFAS backdated the Petitioner's enrollment in "child" SBP coverage.

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CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the fact that Petitioner did not want child SBP coverage and was not aware that he would be enrolled in such coverage six years after his retirement date, 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:

Prior to his 30 November 2010 transfer to the Fleet Reserve, Petitioner elected Survivor Benefit Plan (SBP) spouse only coverage, naming [REDACTED], as the annuitant. Any other election or declination executed by Petitioner is null and void. Note: the Petitioner suspended Survivor Benefit Plan (SBP) spouse coverage, naming [REDACTED], within one year of the date of their divorce (which occurred on 29 December 2016).

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