



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

[REDACTED]
Docket No. 5280-17

DEC 11 2017

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED] USNR,
[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 Reserve Component Survivor Benefit Plan (RCSBP).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 5 October 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 your application, together with all material submitted in support thereof, relevant portions of your naval record 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 reached 20 years of qualifying service in the United States Navy Reserves in 2005. However, there is no record that she received her Notice of Eligibility (NOE) to Participate in the RCSBP and Receive Retirement Pay at Age 60. As such, she was unable to make an election or declination of coverage under the RCSBP.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the fact that the Petitioner did not receive her NOE letter, the Board finds the existence of an injustice warranting the following corrective action. The Board felt that it would be an injustice to

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obligate her to automatic enrollment in RCSBP spouse coverage when she was never informed of her obligation to make an RCSBP election upon serving 20 qualifying years in the Reserves.

RECOMMENDATION:

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

Within ninety (90) days of receipt of the Notification of Eligibility (NOE) to Receive Retired Pay at Age 60 Letter after reaching 20 years of qualifying service, Petitioner declined enrollment in RCSBP with spouse concurrence. 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