



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

██████████
Docket No. 5319-17
NOV 29 2017

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████ USNR 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 timely written request to elect spouse coverage under the Reserve Component Survivor Benefit Plan (RCSBP) within one year of the marriage.

2. The Board, consisting of ██████████ reviewed Petitioner's allegations of error and injustice on 24 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 19 November 2014, Petitioner received his Notice of Eligibility (NOE) to participate in the RCSBP. The letter stated that if no response was received by the Defense Finance and Accounting Service, he would be automatically enrolled in coverage for eligible beneficiaries. Although Petitioner did not have eligible beneficiaries at the time, he did want coverage upon gaining eligible dependents in the future. Petitioner did not respond to the NOE because he incorrectly assumed that a non-response would establish coverage automatically upon gaining an eligible beneficiary in the future.

c. On 8 August 2015, Petitioner married ██████████ Relying on the language of the NOE regarding automatic enrollment, Petitioner assumed that his new spouse would be automatically enrolled in RCSBP coverage upon becoming an eligible beneficiary.

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

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the Petitioner's misunderstanding about automatic enrollment in the RCSBP, 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:

The Petitioner elected Reserve Component Survivor Benefit Plan (RCSBP) full spouse coverage, naming [REDACTED] within one year of the date of his marriage (which occurred on 8 August 2015). 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