



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

[REDACTED]  
Docket No. 6573-17

DEC 18 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 September 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. On 30 September 2014, Petitioner was medically retired. He did not receive SBP counseling prior to his retirement, and therefore did not decline enrollment in the program. Because the Petitioner did not decline coverage on a DD Form 2656 prior to retirement, despite having eligible dependents, the Defense Finance and Accounting Service automatically enrolled the petitioner in full spouse coverage.

#### 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 do not receive comprehensive Survivor Benefit Plan counseling, the Board finds the existence of an injustice warranting the following corrective action. The Board felt that it would be an injustice to obligate the Petitioner to paying SBP premiums when he was not provided information about how to decline enrollment in the program prior to retirement.

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RECOMMENDATION:

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

Prior to his 30 September 2014 transfer to the Permanent Disability Retired List, Petitioner declined enrollment in SBP 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.



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