



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

[REDACTED]
Docket No. 6644-17
DEC 13 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 timely written request to elect full "spouse and child" coverage under the Survivor Benefit Plan (SBP).
2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 12 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. On 31 March 2017, Petitioner was medically retired and automatically enrolled in full "spouse only" SBP coverage. Petitioner had eligible dependent children at the time of retirement.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the Petitioner's desire to enroll his children in SBP coverage, the Board finds the existence of an injustice warranting the following corrective action. The Board stated that service members who are medically retired often receive insufficient SBP counseling, therefore, it would be an injustice to prohibit the Petitioner from electing SBP coverage for his children.

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RECOMMENDATION:

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


Prior to his 31 March 2017 transfer to the Temporary Disability Retired List, Petitioner elected full "spouse and child" SBP coverage. 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