



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

Docket No. 6685-17
FEB 12 2018

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 declined enrollment in the Survivor Benefit Plan (SBP).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 25 January 2018 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 1 February 2017, Petitioner's spouse signed a DD Form 2656 declining SBP spouse coverage. On 2 February 2017, Petitioner signed the DD Form 2656 declining coverage. Due to the fact that the spouse signed before the service member, the Defense Finance and Accounting Service (DFAS) rejected the form.

c. On 31 May 2017, Petitioner transferred to the Fleet Reserve and was automatically enrolled in the SBP because the DD Form 2656 was rejected by DFAS.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting corrective action due to the following: Petitioner and spouse declined SBP spouse coverage on the required DD Form 2656 prior to retirement. However, program regulations require that the service member sign the form before the spouse. Due to this

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administrative error, the Petitioner was automatically enrolled in full SBP spouse coverage. The Board concluded that both the Petitioner and his spouse intended to decline coverage and that they should not be obligated to participate in the SBP due to the minor administrative error on the form. As such, the Board felt that a measure of relief is warranted in this case.

RECOMMENDATION:

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

Prior to his 31 May 2017 transfer to the Fleet Reserve, 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.

[REDACTED]
Recorder

5. Pursuant to the delegation of authority set out in Section 6(c) 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