



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

[REDACTED]
Docket No. 6714-17
FEB 12 2018

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
[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 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 29 November 2016, Petitioner transferred to the Permanent Disability Retired List.

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: On 29 November 2016, Petitioner was transferred to the Permanent Disability Retired List. Petitioner claims that he was not provided counselling regarding the obligation to submit a DD Form 2656 prior to retirement to decline enrollment in SBP coverage. Because Petitioner did not submit a DD Form 2656 declining SBP coverage prior to medical retirement, the Defense Finance and Accounting Service (DFAS) automatically enrolled the Petitioner in maximum SBP spouse coverage. The Board concurred with the Petitioner's claim that he received insufficient counseling regarding his obligations under the SBP and, as such, the Board concluded that a measure of relief is warranted in this case.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
[REDACTED] JSMC RET

RECOMMENDATION:

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

Prior to his 29 November 2016 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.

[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