



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

[REDACTED]  
Docket No. 6831-17  
MAR 09 2018

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED] USNR 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 Reserve Component Survivor Benefit Plan (RCSBP).
2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 1 February 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. Petitioner was sent a Notice of Eligibility (NOE) Letter dated 1 November 2013, which informed her of the obligation to make a RCSBP coverage election within 90 days of the receipt of the NOE letter. The Defense Finance and Accounting Service (DFAS) did not receive an election within 90 days and the Petitioner was automatically enrolled in RCSBP "spouse" coverage at the maximum rate.
  - c. On 4 August 2017, prior to turning 60, Petitioner and spouse signed DD Form 2656 declining spouse SBP coverage.
  - d. On 20 December 2017, Petitioner turned 60.

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[REDACTED]

#### 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 was issued her NOE letter on 1 November 2013; however, Petitioner claims that she never received the letter because she was deployed at the time. Petitioner did not receive the NOE letter and take action to elect or decline coverage, therefore, DFAS automatically enrolled the Petitioner in maximum SBP spouse coverage. Petitioner does not want SBP spouse coverage because she is married to a retired military officer who also draws retirement pay. Petitioner's spouse has submitted a document noting his concurrence with the declination of coverage. The Board concurred with the Petitioner's claim that she never received her NOE, as such, the Board concluded that a measure of relief is warranted in this case.

#### RECOMMENDATION

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

Within ninety (90) days of receipt of the Notification of Eligibility (NOE) to receive retired pay at age 60 letter dated 1 November 2013, Petitioner declined enrollment in RCSBP 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