



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

[REDACTED]  
Docket No. 6947-17  
MAR 09 2018

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

Subj: REVIEW OF NAVAL RECORD IC [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 timely written request for "child only" coverage under the Survivor Benefit Plan (SBP).

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. On 3 July 2014, Petitioner signed a DD Form 2656 electing SBP "child only" coverage. On 4 July 2014, Petitioner's spouse signed the form concurring with the coverage election.

c. On 31 December 2014, Petitioner retired and was automatically enrolled in SBP "spouse" coverage at the maximum rate by the Defense Finance and Accounting Service (DFAS) because the DD Form 2656 was not notarized.

d. Petitioner and his spouse signed another DD Form 2656 electing "child only" coverage on 11 April 2017, during the program disenrollment window, but the form was again rejected because coverage elections can be cancelled during the window but not changed.

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## 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 tried to elect SBP "child only" coverage on the required DD Form 2656 prior to retirement. However, DFAS rejects any DD Form 2656 that has an error. Due to the administrative error of not having the form notarized, the Petitioner was automatically enrolled in SBP "spouse" coverage at the maximum rate. The Board concluded that both the Petitioner and his spouse provided sufficient evidence to demonstrate their intent to elect "child only" coverage and that they should not be obligated to "spouse" coverage due to the minor administrative error. 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 December 2014 transfer to the retired list, Petitioner elected enrollment in SBP full "child only" coverage 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