



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

[REDACTED]  
Docket No. 5122-19  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USNR RET,  
XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. §1552  
(b) DoDFMR, Vol 7B Chp 54

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 reflect current spouse as Survivor Benefit Plan (SBP) beneficiary.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 30 April 2020 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 the enclosures, relevant portions of Petitioner's 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, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. In accordance with reference (b), any Reserve member who does not have an eligible beneficiary when becoming eligible to participate in the Reserve Component Survivor Benefit Plan (RCSBP), who later marries or acquires a dependent child, may elect to participate in the RCSBP, if the election is completed within 1 year of acquiring a spouse or dependent child.

b. Petitioner married [REDACTED] on 27 November 1977.

c. Petitioner divorced [REDACTED] on 8 February 2001. Divorce decree does not direct SBP Former Spouse coverage.

d. Petitioner earned 20 total years of qualifying service on 14 October 2010.

e. Petitioner was issued Notification of Eligibility to Received Retired Pay at Age 60 and E Participate in the Reserve Component Survivor Benefit Plan (RCSBP) on 12 March 2011.

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f. Petitioner was automatically enrolled in RCSBP Option A (election deferred to age 60) effective 11 June 2011 because he did not have any eligible dependents.

g. Petitioner transferred to Retired Reserve with-pay effective 7 February 2013.

h. Petitioner married [REDACTED] on 18 December 2013.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting the following corrective action. Petitioner failed to notify Defense Finance and Accounting Services (DFAS) of marriage to [REDACTED] within 1-year of their nuptials in accordance with reference (b). Although Petitioner did not complete the proper administrative requirements in a timely manner, the Board concluded that relief is warranted.

## RECOMMENDATION

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

Petitioner submitted DD Form 2656-6, Survivor Benefit Plan Change Certificate naming [REDACTED] as the SBP beneficiary, at the full level of coverage, within 1-year of marriage on 18 December 2013.

Note: No waiver of unpaid premiums will be granted.

A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. It is certified that a 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.

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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

7/2/2020

[REDACTED]  
Deputy Director

Signed by: [REDACTED]

Enclosure (1)