



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

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Docket No. 8983-23
Ref: Signature Date

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
(b) DoD 7000.14-R

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 the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to add spouse to Survivor Benefits Plan (SBP) coverage.

2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 5 June 2024 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), if, on the date of retirement the member had no eligible spouse and elected for child only; the member may, within 1-year after marriage or remarriage, include the spouse with coverage previously elected for the child. The level of SBP coverage may not be reduced nor may child coverage be eliminated.

b. On 23 June 1998, Petitioner entered active duty.

c. On 20 December 2001, Petitioner married [REDACTED] and had two children: [REDACTED] born on [REDACTED]; and [REDACTED] born on [REDACTED].

d. On 25 January 2019, Petitioner's spouse, [REDACTED], passed away.

e. Petitioner transferred to the Fleet Reserve effective 1 July 2020 and automatically enrolled in SBP Child coverage because Defense Finance and Accounting Service did not receive a DD Form 2656, Data for Payment of Retired Personnel.

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f. On 22 November 2020, Petitioner married [REDACTED].

g. On 11 August 2022, Petitioner signed DD Form 2656-6, Survivor Benefit Plan Election Change Certificate requesting to change SBP coverage from Child only to Spouse only due marriage.

h. On 1 May 2023, Petitioner signed Letter of Intent (LOI) to Enroll During the SBP Open Season to enroll in SBP Spouse only coverage.

i. On 19 July 2023, Petitioner requested Defense Finance and Accounting Service drop SBP Child coverage for youngest child and add his spouse to coverage.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. The Board concluded Petitioner provided sufficient evidence to reflect his desire to elect SBP Spouse coverage for his current spouse, however failed to notify Defense Finance and Accounting Service of marriage to [REDACTED] within 1-year of their nuptials. Although Petitioner did not complete the proper administrative requirements in a timely manner, the Board determined that relief is warranted.

RECOMMENDATION

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

Petitioner elected SBP Spouse and Children coverage naming [REDACTED], and [REDACTED] as beneficiaries at the full retired pay level of coverage within 1-year of marriage on 22 November 2020.

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.

6/24/2024

[REDACTED]