



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

█
Docket No. 9147-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █, █, USN, █

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 her naval record be corrected to reflect declined participation in the Survivor Benefit Plan (SBP).

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 12 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, she exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

- a. On 24 January 1995, Petitioner entered active duty.
- b. On 11 January 2003, Petitioner married █ and divorced on 25 September 2007. Decree of Dissolution did not direct SBP Former spouse coverage.
- c. On 4 October 2017, Petitioner married █.
- d. On 28 November 2022, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel and elected not to participate in SBP coverage but the signature was not witnessed. Petitioner's spouse signed the form the same day; however, the notary witness failed to provide the date of appearance.
- e. Petitioner transferred to the Fleet Reserve effective 1 July 2023 and automatically enrolled in SBP Spouse coverage due to DD Form 2656, Data for Payment of Retired Personnel not being completed correctly.

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f. On 25 August 2023, Petitioner and spouse signed a second DD Form 2656, Data for Payment of Retired Personnel. The form was deemed invalid because Petitioner's signature was not witnessed, and the submission occurred after date of retirement.

g. On 29 October 2023, Petitioner submitted a DD Form 2656-8, Survivor Benefit Plan (SBP) – Automatic Coverage Fact Sheet, to ensure the automatic coverage contained the correct beneficiary information.

h. On 7 June 2024, Petitioner and spouse signed SBP Affidavit before a notary witness requesting to decline SBP 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 her and spouse's desire to decline SBP coverage prior to transferring to the Fleet Reserve. Although Petitioner did not complete the proper administrative requirements, the Board determined that under these circumstances, relief is warranted.

RECOMMENDATION

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

Petitioner properly elected to decline participation in SBP with spouse concurrence prior to transferring to the Fleet Reserve effective 1 July 2023.

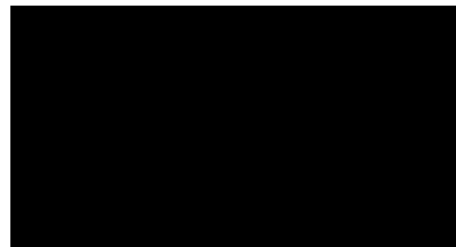
Note: The Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to determine Petitioner's pay entitlements.

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.

6/28/2024

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