



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

■  
Docket No. 9439-23  
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,  
[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 reflect he elected Reserve Component Survivor Benefit Plan (RCSBP) "Option A" within 90 days of receiving Notification of Eligibility (NOE) for Retired Pay at Age 60 and for Participation in the RCSBP.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 18 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. On 15 May 1976, Petitioner entered the U.S. Naval Reserve.
- b. On 31 December 1983, Petitioner married [REDACTED].
- c. On an unknown date in December 1985, Petitioner issued NOE for Retired Pay at Age 60 and for Participation in the RCSBP.
- d. On 7 January 1986, Petitioner appears to have been automatically enrolled in RCSBP Option "C" (Immediate) Spouse only coverage.

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

e. Petitioner transferred to the Retired Reserve without pay effective 1 November 2000. Thereafter, Petitioner transferred to the Retired Reserve with pay effective 1 January 2007 and RCSBP and Survivor Benefit Plan (SBP) premium deductions began.

f. On 15 February 2009, Petitioner and spouse signed DD Form 2656-2, SBP Termination Request. Defense Finance and Accounting Service approved Petitioner's request to discontinue SBP coverage and the standard premium deductions stopped on 27 February 2009. However, RCSBP premium deductions continue for coverage received from 7 January 1986 to 31 December 2006.

## 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's NOE was issued in December 1985, however it appears he was automatically enrolled in RCSBP coverage prior to the end of the 90-day election period. Moreover, the Board determined that automatic enrollment in RCSBP Option "C" (Immediate Annuity) did not become effective until 1 January 2001 for reservists with spouse and/or children, therefore if an election was not received within 90 days, Petitioner should have been enrolled in RCSBP Option "A" (Decline Coverage) in accordance with reference (b).<sup>1</sup> The Board found that Petitioner provided sufficient evidence to reflect his and spouse's desire to decline RCSBP and SBP coverages and determined that under these circumstances, relief is warranted.

## RECOMMENDATION

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

Petitioner elected RCSBP Option "A" (Decline Coverage) with spouse concurrence within 90 days of NOE for Retired Pay at Age 60 and for Participation in the RCSBP issuance in December 1985.

Petitioner elected to decline participation in SBP with spouse concurrence prior to transferring to the Retired Reserve with pay effective 1 November 2000.

Note: Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to determine amounts due, if any.

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

---

<sup>1</sup> Any member who is notified of their completion of the years of service required for retired pay eligibility for non-regular retirement may elect to participate in the RCSBP before the end of the 90-day period. A member who is married or has a dependent child, and who receives notice of eligibility for retired pay, after 1 January 2001, is automatically an immediate participant in RCSBP unless the member elects (with spousal concurrence, if required) not to participate or to defer the decision or delay coverage before the end of the 90-day period. Additionally, RCSBP coverage for the member's survivors commences but premiums are not paid until the member first becomes actually entitled to retired pay. RCSBP premium deductions are for the coverage provided while the member awaited the requisite age of entitlement to retired pay. RCSBP premiums are distinct from SBP premiums. The policy further specifies that once a member discontinues SBP participation, no refund of any premiums properly collected will be made.

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

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.

7/12/2024

