

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
[REDACTED] USMC (RET)

f. On [REDACTED], Petitioner's child, [REDACTED], was born.

g. On 26 November 2014, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel but failed to make an SBP Beneficiary Category election. Petitioner's spouse signed the form before a notary witness the same day concurring with Petitioner's election.

h. Petitioner transferred to PDRL effective 30 November 2014 and automatically enrolled in SBP Spouse and Children coverage. The Defense Finance and Accounting Service (DFAS) did not receive a DD Form 2656, Data for Payment of Retired Personnel for the Petitioner prior to 30 November 2014.

i. On 2 February 2017, the DFAS received Petitioner's incomplete DD Form 2656, Data for Payment of Retired Personnel dated 26 November 2014 from Installation Personnel Administration Center [REDACTED]. Only the second page of the form was provided to the DFAS and the SBP Beneficiary Category was not elected.

j. On 27 July 2017, Petitioner submitted DD Form 2656, Data for Payment of Retired Personnel dated 26 November 2014; SBP Beneficiary Category was not elected.

k. On [REDACTED] Petitioner's child, [REDACTED] was born.

l. On 23 May 2023, the DFAS received pages four and five of Petitioner's Survivor Benefit Plan (SBP) and Reserve Component Survivor Benefit Plan (RCSBP) Open Season Election to Discontinue Participation form with spouse notarized concurrence. The DFAS denied the request on 3 June 2023 indicating, "[w]e received your request to discontinue from the Survivor Benefit Plan (SBP) coverage during the SBP Open Season. After review, we have found that your request is incomplete. Your action is required... Your request was not valid: The form that you sent to us is missing pages. We received pages 2 and 3. Please resubmit with all appropriate pages." Additionally, "Other: Your SBP account has been in Automatic status since retirement, 8/1/21. Please go to our website for an Automatic Fact Sheet. Fill it out and return it to us with facts true and retirement so we can process your request."

m. On 26 July 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 error warranting the following corrective action. The Board concluded Petitioner provided sufficient evidence to reflect his and spouse's desire to decline SBP coverage prior to transferring to the PDRL. Although the proper administrative requirements were not completed, the Board determined that under these circumstances, relief is warranted.

RECOMMENDATION

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
[REDACTED] USMC (RET)

Petitioner elected to decline participation in SBP with spouse concurrence prior to transferring to the PDRL effective 30 November 2014.

Note: The DFAS 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.

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.

8/16/2024

[REDACTED]