



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

■  
Docket No. 10633-23  
Ref: Signature Date

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

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

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 establish Survivor Benefit Plan (SBP) Former Spouse coverage.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 17 July 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 the former spouse is a member's former spouse at the time the member became eligible to participate in SBP, and election for former spouse must take place at or before the member's retirement.

b. On 6 June 1989, Petitioner entered active duty.

c. On 26 October 1981, Petitioner married [REDACTED] and divorced on 5 November 2010. Decree of Divorce directed SBP Former Spouse coverage.

d. On 7 January 2011, Petitioner married [REDACTED].

e. On 17 April 2019, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel, electing SBP Spouse cover for his current spouse.

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

f. Petitioner transferred to the Retired List effective 1 July 2019 and SBP Spouse premium deductions began.

g. On 22 June 2023, Petitioner signed DD Form 2656-1, Survivor Benefit Plan (SBP) Election Statement for Former Spouse Coverage and submitted it to the Defense Finance and Accounting Service (DFAS) with his current spouse as the Member's Witness. DFAS denied the requested change on 24 July 2023, indicating, "[y]our DD 2656-1 form was received more than 1 year after divorce and not prior to your retirement date for a pre-retirement divorce. If you would like to add your former spouse please use the enclosed DD 149 form and send it to your branch of service's board of corrections."

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. Petitioner failed to make the proper SBP election at the time of retirement. However, the Board concluded that Petitioner has provided sufficient evidence to reflect his desire to change his election to SBP Former Spouse coverage to comply with his Decree of Divorce. Although Petitioner did not complete the proper administrative requirements, the Board determined that under this circumstance, relief is warranted.

## RECOMMENDATION

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

Petitioner's DD Form 2656, Data for Payment of Retired Personnel dated 17 April 2019 is amended to reflect Petitioner elected SBP Former Spouse coverage naming [REDACTED] as the beneficiary at the full gross pay level of coverage with proper spouse concurrence.

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.

8/1/2024

[REDACTED]