



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

■
Docket No. 137-24
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,
XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) DoD 7000.14-R
(c) OASD Memorandum "Implementing and Procedural Guidance for Section 643 of PL 117-263, December 23, 2022, Survivor Benefit Plan Open Season"

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 Reserve Component Survivor Benefit Plan (RCSBP) Spouse and Child coverage.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 4 September 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), a member who had no eligible spouse at Notification of Eligibility (NOE) (and was not required to elect former spouse coverage) and later marries may elect RCSBP spouse coverage by submitting DD Form 2656-6 within 1-year of marriage. The level of coverage cannot be changed. Failure to make the election with 1-year terminates eligibility for that spouse and any subsequent spouse.

b. Reference (c) specified an eligible member who, on 22 December 2022 was not participating in Survivor Benefit Plan (SBP) or RCSBP could have elected SBP for any type of coverage that member would have been eligible to elect and declined, or failed to elect, at their first opportunity. This included eligible member who previously participated in SBP and

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discontinued participation. However, members who were already participating in SBP or RCSBP for any beneficiary were not eligible to make an election to add beneficiaries during the 2023 Open Season.

- c. Petitioner entered the U.S. Naval Reserves on 15 June 1970.
- d. On [REDACTED], Petitioner's child, [REDACTED], was born.
- e. On 14 September 1991, Petitioner married [REDACTED] and divorced on 10 January 1997. Judgement did not direct RCSBP/SBP Former Spouse coverage.
- f. On 1 July 1998, Petitioner received Notification of Eligibility (NOE) to Receive Retired Pay at Age 60 and Participate in the Reserve Component Survivor Benefit Plan (RCSBP) 522 dated 8 June 1998.
- g. On 1 July 1998, Petitioner signed NRPC 1772/3, Reserve Component Survivor Benefit Plan, electing Option C (Immediate Annuity), for Child only coverage based on full retired pay level of coverage.
- h. On 15 August 2004, Petitioner married [REDACTED] and had one child: [REDACTED] born on [REDACTED].
- i. On 19 February 2010, Petitioner signed DD Form 2656-5, Reserve Component Survivor Benefit Plan (RCSBP) Election Certificate and elected Option C (Immediate Annuity), for Spouse and Child coverage based on full retired pay level of coverage.
- j. On 1 April 2010, Petitioner transferred to the Retired Reserve with pay.
- k. On 24 June 2010, Defense Finance and Accounting Service received Petitioner's DD Form 2656-5, Reserve Component Survivor Benefit Plan (RCSBP) Election Certificate.
- l. On 1 July 2010, Petitioner's RCSBP and SBP Child only premium deductions began.
- m. On 24 September 2023, Petitioner signed Letter of Intent (LOI) to Enroll During the SBP Open Season.

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 desire to add SBP Spouse coverage for his current spouse, however failed to notify Navy Personnel Command of marriage to [REDACTED] within 1-year of their nuptials. Additionally, the Board determined that Petitioner was ineligible to add spouse coverage during the 2023 Open Season in accordance with reference (c). Although Petitioner did not complete the proper administrative requirements in a timely manner, the Board determined that relief is warranted.

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RECOMMENDATION

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

Petitioner properly elected SBP Spouse and Children coverage naming [REDACTED], [REDACTED], and [REDACTED] as beneficiaries at the full retired pay level of coverage within 1-year of marriage on 15 August 2004.

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

9/21/2024

[REDACTED]