



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

■
Docket No. 302-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
XXX XX [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) Spouse and Child coverage.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 14 August 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 30 June 2001, Petitioner married [REDACTED] and then divorced on 20 January 2003. Notice of Entry of Judgement did not direct SBP Former Spouse coverage.

b. On 21 April 2006, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel and elected to decline coverage because he did not have any dependents.

c. Petitioner transferred to the Retired List effective 1 June 2006.

d. On 24 March 2012, Petitioner married [REDACTED] and they had one child: [REDACTED] born on 1 August 2013.

e. On 26 June 2014, Petitioner signed and submitted DD Form 2656-6, Survivor Benefit Plan Election Change Certificate, to the Defense Finance and Accounting Service (DFAS) requesting

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to change SBP coverage from no coverage to Spouse and Child coverage based on acquiring a new dependent child.

f. The DFAS changed Petitioner's election to SBP Child coverage effective 1 August 2014.

g. On 22 August 2014, the DFAS notified Petitioner "We regret to inform you that you are unable to add your spouse to your Survivor Benefit Plan (SBP). You would have had to notify us prior to your first year anniversary in order for your spouse to have been eligible. Child coverage has been established on your account."

h. On 14 September 2020, Petitioner's child, [REDACTED], was born.

i. On 17 October 2020, Petitioner signed and submitted DD Form 2656-8, Survivor Benefit Plan (SBP) – Automatic Coverage Fact Sheet, listing your spouse and both children. The DFAS updated Petitioner's SBP coverage to reflect the youngest child's date of birth.

j. On 18 May 2023, Petitioner signed Letter of Intent to Enroll During the SBP Open Season to enroll in SBP Spouse and Children coverage. However, Petitioner was ineligible because he was already enrolled in SBP prior to 22 December 2022.

k. On 27 December 2023, Petitioner requested the DFAS reconsider repeated denial of SBP Spouse coverage enrollment.

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 Defense Finance and Accounting Service of marriage to [REDACTED] [REDACTED] within 1-year of their nuptials. Although Petitioner did not complete the proper administrative requirements in a timely manner, the Board determined that relief is warranted.

RECOMMENDATION

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

Petitioner elected SBP Spouse coverage naming [REDACTED] as beneficiary at the full retired pay level of coverage within 1-year of marriage on 24 March 2012. Note: SBP Child coverage was properly established within 1-year of first child's birth on 1 August 2013 and youngest child's date of birth has been added to Petitioner's account.

Note: No waiver of unpaid premiums will be granted.

That a copy of this report of proceedings will be filed in Petitioner's naval record.

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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.

8/29/2024

