



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

■
Docket No. 373-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ■■■■■■■■■■, USN RET,
■■■■■ (DECEASED)

Ref: (a) Title 10 U.S.C. § 1552
(b) OASD Memorandum “Implementing and Procedural Guidance for Section 643 of PL 117-263, December 23, 2022, Survivor Benefit Plan Open Season”¹

Encl: (1) DD Form 149 w/attachments
(2) Subject’s naval record

1. Pursuant to the provisions of reference (a), Subject’s widower, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his spouse’s naval record be corrected to reflect she properly enrolled in Survivor Benefit Plan (SBP) Spouse only coverage during the 2023 SBP Open Enrollment Season.

2. The Board, consisting of ■■■■■■■■■■, ■■■■■■■■■■, and ■■■■■■■■■■ reviewed Petitioner’s allegations of error and injustice on 21 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 Subject’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 ■■■■■■■■■■ Subject married ■■■■■■■■■■.

¹ The most recent SBP open season began on 23 December 2022 and ended 1 January 2024, allowing eligible members to participate or discontinue participation. The 2023 SBP Open Season allowed for eligible members who, on 22 December 2022, were not currently in SBP or RCSBP to enroll for any type of coverage that member would have been eligible to elect and declined, or failed to elect, at the first opportunity. For a member who enrolls during the SBP Open Season, the law generally required that the member will be responsible to pay retroactive SBP premium costs that would have been paid if the member had enrolled at retirement (or enrolled at another earlier date, depending on the member’s family circumstances). To make an election to enroll in SBP, members who were receiving retired pay must have submitted a “Letter of Intent to Enroll During the SBP Open Season” (hereinafter “LOI”) to the DFAS. After receiving a LOI from a member, DFAS would calculate the one-time buy-in premium and inform the member of the amount that the member would be required to pay. Members who wished to enroll in SBP after notification of the amount of their one-time premium must submit an “SBP Open Season Enrollment Form” to DFAS.

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[REDACTED] (DECEASED)

b. Subject transferred to the Fleet Reserve effective 1 November 2000 and declined SBP Spouse coverage.

c. On 19 March 2004, Subject divorced [REDACTED]. Divorce Judgment did not direct SBP Former Spouse coverage.

d. On 14 February 2014, Subject married [REDACTED] (Petitioner).

e. On 1 July 2023, the Defense Finance and Accounting Service (DFAS) confirmed receiving Subject's LOI and issued her an Individual 2023 SBP Open Enrollment Estimate for SBP Spouse coverage at the full gross pay level of coverage with an effective date of 6 July 2023. The estimate included a prospective monthly premium of \$125.53 and one-time "buy-in premium" estimate of \$12,708.66.

f. On 21 July 2023, the DFAS received Subject's SBP and Reserve Component SBP (RCSBP) Open Enrollment Election form. However, on 3 August 2023, the DFAS issued notification to Subject indicating the form was incomplete and request that she "[p]lease complete the Open enrollment election form, the one we received from you was blank other than [than] your signature and date."

g. On [REDACTED], Subject passed away.

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 that Subject submitted the LOI and SBP and RCSBP Enrollment Election forms in an attempt to enroll in SBP Spouse only coverage during the 2023 SBP Open Season Enrollment. The DFAS notified Subject of the errors on the enrollment election form, however Subject passed away prior to making the necessary corrections. The Board determined it was the Subject's intent to provide SBP spouse coverage. The Board surmised Subject passed away 20 days after DFAS generated the notification of the errors, thereby not having sufficient time to make corrections and resubmit. Therefore, the Board determined that under these circumstances, relief is warranted.

RECOMMENDATION

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

Subject properly submitted the Survivor Benefit Plan (SBP) and Reserve Component Survivor Benefit Plan (RCSBP) Open Enrollment Election form naming [REDACTED] as beneficiary at the full gross pay level of coverage prior to her death on [REDACTED]

Note: No waiver of unpaid premiums will be granted.

A copy of this report of proceedings will be filed in Subject's naval record.

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[REDACTED] (DECEASED)

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.

9/9/2024

[REDACTED]