



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

█  
Docket No. 971-24  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █, USN  
RET, XXX-XX-█

Ref: (a) Title 10 U.S.C. § 1552  
(b) DoDFMR, Vol 7B

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 reflect declined participation in the Survivor Benefit Plan (SBP).

2. The Board, consisting of █, █, and █ 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), SBP elections must be made prior to retired pay becoming payable and the election to participate in or decline SBP is irrevocable. An election for a natural person with an insurable interest may be made only when the member is not married and does not have any dependent children upon becoming eligible to participate in the SBP. However, SBP participants may choose to voluntarily discontinue SBP participation during a 1-year period which begins on the second anniversary of the date of commencement of retired pay. Defense Finance and Accounting Service must ensure that a natural person who is not required to concur in the request for termination is notified of the termination of SBP coverage by sending a letter to such beneficiary at the address in the retired member's file.

b. On 24 July 2013, Petitioner entered active duty.

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- c. On 10 July 2019, Navy Personnel Command approved Petitioner's transfer to the Temporary Disability Retired List (TDRL) effective 31 October 2019.
- d. On 9 August 2019, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel, electing person who has an insurable interest (mother, [REDACTED]) at the full gross pay level of coverage.
- e. On 12 August 2019, Petitioner issued BUPERS Order: [REDACTED] (Official Retirement Orders) to be transferred to the TDRL effective 31 October 2019.
- f. On 4 October 2019, Defense Finance and Accounting Serviced received Petitioner's DD Form 2656, Data for Payment of Retired Personnel.
- g. Petitioner transferred to TDRL effective 31 October 2019, and SBP Natural Interested Person premiums deductions began.

## 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 voluntarily elected SBP Natural Interested Person premium coverage with her mother as the beneficiary, and as a result, premium deductions correctly began at time of retirement. However, Petitioner had the option to discontinue coverage within 25 to 36 months after receiving retired pay effective 31 October 2019, but there is no evidence of him taking any action to terminate coverage. Although the proper administrative processes were not followed, the Board surmised that Petitioner was unaware of the 1-year window to voluntarily withdraw from SBP, therefore under these circumstances, partial relief is warranted.

## RECOMMENDATION

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

Petitioner elected to terminate SBP coverage within 25-36 months after receiving retired pay effective 31 October 2019.

Note: The Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to determine amounts due, if any and will send the proper notification regarding termination in accordance with reference (b).

The part of Petitioner's request for corrective action that exceeds the foregoing is denied. SBP elections are irrevocable per reference (b).

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.

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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

