



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

[REDACTED]
Docket No. 2209-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN RET,
XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) DoD 7000.14-R
(c) DD Form 2656
(d) PL 117-263 § 643

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 her naval record be corrected to reflect declined participation in the Survivor Benefit Plan (SBP).

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, she exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 6 March 2021, Petitioner married [REDACTED].

b. On 17 April 2023, Petitioner's spouse's signed DD Form 2656, Data for Payment of Retired Personnel concurring with spouse's SBP election, however Petitioner did not sign the form until 19 April 2023.

c. Petitioner transferred to the Fleet Reserve effective 1 October 2023 and automatically enrolled in SBP Spouse coverage as a result of spouse signing DD Form 2656, Data for Payment of Retired Personnel before Petitioner.

d. On 19 October 2023, Petitioner signed DD Form 2656-2, SBP Termination Request with spouse concurrence. Defense Finance and Accounting Service denied the request on 30 October

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2023 indicating, “[y]our request was not valid: Outside of 25-36 months to terminate.”

e. On 8 November 2023, Petitioner signed the SBP and Reserve Component SBP Open Season Election to Discontinue Participation form with spouse concurrence. However, the notary certified both signatures on “this 11 day of 7th, 2023” and Petitioner did not meet the criteria outlined in reference (c) to discontinue coverage during the 2023 Open Season.

f. On 2 August 2024, Petitioner and spouse signed SBP Affidavit before a notary witness requesting to decline SBP coverage.

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 her and spouse’s desire to decline SBP coverage prior to transferring to the Fleet Reserve. Although the proper administrative requirements were not completed, the Board determined that under these circumstances, relief is warranted.

RECOMMENDATION

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

Petitioner elected to decline participation in SBP with proper spouse concurrence prior to transferring to the Fleet Reserve effective 1 October 2023.

Note: The Defense Finance and Accounting Service will complete an audit of Petitioner’s pay records to determine amounts due, if any.

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.

8/21/2024

[REDACTED]