



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

[REDACTED]
Docket No. 2687-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN [REDACTED]
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) DoDFMR, Vol 7B¹
(c) DD Form 2656²

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], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 17 July 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 2 November 1996, Petitioner married [REDACTED].

b. On 22 July 2013, Petitioner's spouse signed DD Form 2656, Data for Payment of Retired Personnel before a notary witness concurring with spouse's SBP election, however Petitioner did not sign the form until 24 July 2013 and did not make an election in Block 26 (Beneficiary Category).

c. Petitioner transferred to the Fleet Reserve effective 1 October 2013, and automatically enrolled in SBP Spouse coverage as a result of spouse signing DD Form 2656, Data for Payment of Retired Personnel before Petitioner.

¹ SBP elections must be made prior to retired pay becoming payable and the election to participate in or decline SBP is irrevocable. If not all requirements for an election needing the spouse's concurrence have been satisfied prior to retirement, for whatever reason, full spouse costs, and coverage will be implemented, regardless of any request by the member to do otherwise. Any change in SBP election subsequent to retirement will be done through an administrative correction of records as permitted by law.

² Stipulates the date of the spouse's signature must not be before the date of the member's signature, or on or after the date of retirement listed in Part 1 Section I, Item 4.

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[REDACTED]

d. On 10 July 2020, Petitioner divorced [REDACTED] and the decree of divorce did not direct SBP Former Spouse coverage.

e. On 1 September 2023, Petitioner married [REDACTED].

f. On 29 May 2024, Petitioner and current spouse signed SBP Affidavit before a notary witness requesting to decline SBP coverage. Petitioner indicated that she “received insufficient SBP information/counseling prior to [her] date of retirement.”

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 failed to provide evidence of initiating corrective action in a timely manner. The Board also noted that Petitioner began receiving SBP Spouse coverage at the time of her transfer to the Fleet Reserve effective 1 October 2013, therefore Petitioner’s beneficiary would have received an annuity if something happened between the time of retirement and divorced. Although Petitioner did not complete the proper administrative requirements, the Board determined that under these circumstances, partial relief is warranted.

RECOMMENDATION

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

Petitioner elected to suspend SBP Spouse coverage for [REDACTED] within 1-year of divorce on 10 July 2020.

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.

8/1/2024

[REDACTED]