



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

[REDACTED]
Docket No. 2773-24
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) DoDFMR, Vol 7B
(c) Title 31 U.S.C § 3702

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 he suspended Survivor Benefit Plan (SBP) Spouse coverage in a timely manner.

2. The Board, consisting of [REDACTED], [REDACTED], [REDACTED] 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 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 premiums are suspended for spouse and child coverage when there is no longer an eligible beneficiary. Additionally, SBP premiums are permanently paid up with no further reductions made to retired member's pay after attaining age 70 and paying 360 months of premium payments. Reference (c) specifies that claims involving uniformed service members' pay, allowances, travel, and transportation, payments for unused accrued leave, retired pay, and survivor benefits must be received within 6 years from the date it accrues.

b. On 23 May 1975, Petitioner married [REDACTED] and had 2 children: [REDACTED] born [REDACTED] and [REDACTED] born [REDACTED].

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c. On 1 June 1991, Petitioner transferred to Fleet Reserve and SBP Spouse and Child premium deductions began.

d. On 26 June 2002, Petitioner's spouse passed away.

e. On 1 September 2002, Petitioner's SBP coverage updated to Spouse only coverage because his youngest child aged out of being an eligible beneficiary and Petitioner failed to notify the Defense Finance and Accounting Service of the spouse's death.

f. On 1 June 2021, Petitioner's SBP premiums permanently paid up.

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 met the criteria outlined in reference (b) to suspend Spouse coverage after his spouse passed away and the Defense Enrollment Eligibility Reporting System does not reflect that he remarried. Although Petitioner did not complete the proper administrative requirements, the Board determined that under this circumstance, relief is warranted.

RECOMMENDATION

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

Petitioner suspended SBP Spouse coverage within 6 years of spouse's death on [REDACTED] June [REDACTED].

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

That a copy of this report of proceedings 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.

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.

8/30/2024

[REDACTED]