



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

[REDACTED]
Docket No. 2938-24
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,
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) DoD 7000.14-R, Vol 7B
(c) OASD Memorandum "Implementing and Procedural Guidance for Section 643 of PL 117-263, December 23, 2022, Survivor Benefit Plan Open Season"

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 cancelled participation in the 2023 Survivor Benefit Plan (SBP) Open Season Enrollment in a timely manner.

2. The Board, consisting of [REDACTED], [REDACTED], [REDACTED] reviewed Petitioner's allegations of error and injustice on 24 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, 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 4 November 1983, Petitioner married [REDACTED].
- b. On 10 December 2013, Petitioner signed DD 2656, Data for Payment of Retired Personnel and elected not to participate in the SBP. Petitioner's spouse concurred with the election to decline coverage on 11 December 2013.
- c. Petitioner transferred to the Retired List effective 1 March 2014.
- d. On 12 April 2023, Petitioner signed Letter of Intent to Enroll During the SBP Open Season with the intention to enroll in SBP Spouse only coverage at the full gross pay level of coverage.

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e. On 15 December 2023, Petitioner signed Survivor Benefit Plan (SBP) and Reserve Component Survivor Benefit Plan (RCSBP) Open Enrollment Election form electing Spouse only coverage base on full gross retired pay level of coverage and based on the estimate he received, chose to submit a one-time full payment for the total amount of the “buy-in premium” due.

f. On 14 February 2024, Petitioner wrote a letter to the Defense Finance and Accounting Service (DFAS) requesting to rescind his 15 December 2023 application to enroll in SBP Spouse only coverage due to financial hardship caused by his spouse’s heart attack and unemployability. On 17 February 2024, the DFAS deemed the request invalid because the request to cancel was not received within 30 days of making the election.

g. On 9 March 2024, Petitioner wrote a subsequent letter to the DFAS requesting financial hardship support regarding his obligation to pay the total buy-in premium of \$49,800.92 by allowing him to change to a 72 month installment plan.

h. On 7 June 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 injustice warranting the following corrective action. The Board concluded Petitioner provided sufficient evidence to cancel his 2023 SBP Open Season Enrollment. Although Petitioner did not complete the proper administrative requirements, the Board surmised his untimely cancellation was a result of caring for a sick spouse, therefore determined that under this circumstance, relief is warranted.

RECOMMENDATION

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

Petitioner elected to cancel his 2023 SBP Open Season Enrollment within 30-days of making the election.

Note: The DFAS 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

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[REDACTED]
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.

8/3/2024

