

Docket No. 3524-24 Ref: Signature Date

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

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

- Ref: (a) Title 10 U.S.C. § 1552 (b) DoD 7000.14-R
- 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 establish Survivor Benefit Plan (SBP) Spouse and Child coverage.

2. The Board, consisting of **Constant and Active and Active and Petitioner's** allegations of error and injustice on 18 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), any member who does not have an eligible beneficiary when becoming eligible to participate in the SBP, who later marries, may elect to participate in the SBP, if the election is completed within one year of acquiring a spouse. However, the member may not reduce the level of SBP coverage, nor may child coverage be eliminated. Additionally, SBP Child coverage generally continues until the youngest unmarried child turns age 18 or age 22 and pursuing a full-time course of study in a recognized educational institution.

b. On 14 September 1996, Petitioner married	and had one child:	
born on 18 June 2003.		

c. On 12 December 2000, Petitioner divorced **Constant Sector**. Certificate of Dissolution of Marriage did not direct RCSBP or Survivor Benefit Plan (SBP) Former Spouse coverage.

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d. On 2 November 2005, Petitioner issued Notification of Eligibility (NOE) to Receive Retired Pay at Age 60 and Participate in the RCSBP.

e. Petitioner transferred to the Retired Reserve without pay effective 1 September 2010.

f. On 5 June 2013, Petitioner married

g. On 10 May 2023, Petitioner submitted DD form 108, Application for Retired Pay Benefits.

h. On 11 May 2023, Navy Personnel Command (PERS-912) notified Defense Finance and Accounting Service that Petitioner was automatically enrolled in RCSBP Child coverage because an election was not received within 90-days of receiving his NOE.

i. On 23 May 2023, Navy Personnel Command (PERS-912) approved Petitioner's request to transfer to the Retired Reserve with pay effective 26 March 2022.

j. Petitioner transferred to the Retired Reserve effective 26 March 2022; RCSBP and SBP Child premium deductions began.

k. On 5 May 2023, Petitioner signed and submitted DD Form 2656, Data for Payment for Retired Personnel to DFAS in an attempt to elect SBP Spouse only at the full gros pay level of 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 his desire to add SBP Spouse coverage for his current spouse, however failed to notify Navy Personnel Command (PERS-912) of marriage to Veronika E. Sullivan within 1-year of their nuptials. Although Petitioner did not complete the proper administrative requirements in a timely manner, the Board determined that relief is warranted.

RECOMMENDATION

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

Petitioner elected SBP Spouse and Child coverage naming and and and as beneficiaries at the full retired pay level of coverage within 1-year of marriage on 5 June 2013.

Note: No waiver of unpaid premiums will be granted.

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.

