



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

■
Docket No. 3670-24
Ref: Signature Date

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

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

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) Former Spouse coverage.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 9 October 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 5 February 1990, Petitioner entered active duty and married [REDACTED] on 6 October 1990.

b. On 15 November 2016, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel, electing SBP Spouse only coverage and transferred to the Fleet Reserve effective 1 March 2017 and SBP Spouse premium deductions began.

c. On 23 April 2018, Petitioner and spouse entered into a Property Settlement Agreement in which an agreement was made to provide SBP coverage as a former spouse beneficiary and on 5 June 2018, Petitioner and spouse divorced with the Separation Agreement of 23 April 2018 incorporated into the Final Divorce Decree.

d. On 10 October 2019, Petitioner married [REDACTED] and on 4 October 2024, Petitioner and new spouse signed SBP Affidavit before a notary witness requesting to elect SBP Former Spouse coverage.

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

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 change his election to SBP Former Spouse coverage and comply with the Final Divorce Decree. However, failed to submit the request within 1-year of divorce in accordance with reference (b),¹ thereby rendering him ineligible to change the election. Although Petitioner did not complete the proper administrative requirements, the Board determined that under this circumstance, relief is warranted.

RECOMMENDATION

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

Petitioner changed SBP election from "Spouse" to "Former Spouse" coverage naming [REDACTED] as the beneficiary within 1-year of divorce on 5 June 2018.

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

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.

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.

10/23/2024

[REDACTED]

¹ A member with spouse or spouse and child coverage may, within 1-year of the date of the divorce, dissolution, or annulment, whichever is later, change that election to provide an annuity to a former spouse or to a former spouse and child. When a member elects former spouse coverage, the member and the former spouse must complete an election statement indicating whether the election is being made pursuant to the requirements of a court order or by a voluntary written agreement.