



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

██████████
Docket No. 4634-24
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) DoDFMR, Vol 7B
(c) DD Form 2656

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 Child only Survivor Benefit Plan (SBP) coverage at the full gross retired pay level of coverage.

2. The Board, consisting of ██████████, ██████████, and ██████████ 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, she 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 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.

b. Reference (c) stipulates a witness to the Service member's signature must also sign and provide their information on DD Form 2656, Data for Payment of Retired Personnel.

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c. On 28 October 2005, Petitioner married [REDACTED] and divorced 12 April 2010. Final Judgement of Dissolution of Marriage did not order SBP Former spouse coverage.

d. On 9 May 2014, Petitioner married [REDACTED] and had one child, [REDACTED], born 1 December 2016.

e. On 13 April 2023, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel and elected for SBP Spouse and Child coverage at the full gross pay level of coverage. A witness to Petitioner's signature signed the form on 8 June 2023.

f. On 1 February 2024, Petitioner signed the DD Form 2656, Data for Payment of Retired Personnel and elected SBP Child only coverage at the full gross pay level of coverage with spouse's notarized concurrence.

g. Petitioner transferred to the Fleet Reserve effective 1 March 2024 and SBP Spouse and Child premium deductions began. A witness to Petitioner's signature on DD Form 2656, Data for Payment of Retired Personnel dated 1 February 2024 signed the form on 5 March 2024.

h. On 2 October 2024, Petitioner signed SBP Affidavit with spouse concurrence before a notary witness requesting to change SBP election to Child only coverage at the full gross retired 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 change his SBP coverage from Spouse and Child to Child only coverage prior to transferring to the Fleet Reserve. Although the proper administrative requirements were not completed, the Board determined that under this circumstance, relief is warranted.

RECOMMENDATION

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

Petitioner elected SBP Child only coverage at the full gross pay level of coverage with proper spouse concurrence prior to transferring to the Fleet Reserve effective 1 March 2024.

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 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.

10/22/2024

