



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

Docket No. 4936-24
Ref: Signature Date

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

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

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

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 her naval record be corrected to reflect declined participation in the Survivor Benefit Plan (SBP) based on not having dependents.

2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 29 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. Petitioner was married to [REDACTED] from 5 August 2005 to 25 April 2007. Decree of Divorce a [REDACTED] did not order SBP Former Spouse coverage.

b. Petitioner was married to [REDACTED] from 16 November 2013 to 21 June 2016. Final Decree of Divorce did not order SBP Former Spouse coverage.

c. On 26 March 2018, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel, elected for SBP Natural Interest Person (NIP) coverage based on the full gross retired pay level of coverage and designated her mother, [REDACTED] as the insurable interest beneficiary.

d. Petitioner transferred to the Temporary Disability Retired List (TDRL) effective 29 May 2018 and SBP NIP premium deductions began. Petitioner transferred Permanent Disability Retired List effective 29 May 2021.

e. On 19 April 2024, Petitioner signed and submitted DD Form 2656-2, Survivor Benefit Plan

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XXX-XX [REDACTED]

(SBP) Termination Request to the Defense Finance and Accounting Service (DFAS) for processing. On 5 September 2024, the DFAS denied Petitioner's SBP termination request stating, "[s]ince you have been retired for 75 months, you are no longer eligible to withdraw."

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 elected SBP NIP coverage for her mother and has been properly assessed monthly premiums since her transfer to the TDRL. However, the Board determined that Petitioner provided evidence to reflect her desire to discontinue SBP NIP coverage on 19 April 2024 and that she meets the criteria to discontinue SBP NIP coverage at any time in accordance with reference (b).¹ Therefore, under these circumstances, partial relief is warranted.

RECOMMENDATION

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

Petitioner submitted a request to discontinue SBP NIP coverage on 19 April 2024 and her request was received and processed. Note: The DFAS will complete an audit of Petitioner's pay records to determine amounts due, if any.

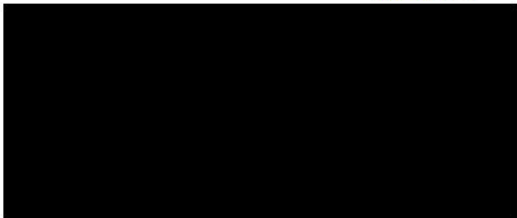
The part of Petitioner's request for corrective action that exceeds the foregoing is denied. Petitioner's record reflects that she elected SBP NIP coverage at the time of retirement and the first evidence of wanting to termination coverage was on 19 April 2024.

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.

11/20/2024



¹ SBP elections must be made prior to retired pay becoming payable and the election to participate in or decline SBP is irrevocable. An election for a natural person with an insurable interest may be made only when the member is not married and does not have any dependent children upon becoming eligible to participate in SBP. A member must elect full coverage when electing for a natural person with an insurable interest. A member who is participating in SBP with coverage for a natural person with an insurable interest (not a former spouse) may voluntarily terminate their participation in SBP.