



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

██████████
Docket No. 5085-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USN RET,
██████████

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

Encl: (1) DD Form 149
(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).

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. On 25 September 2004, Petitioner married current spouse.

b. Petitioner transferred to the Fleet Reserve effective 1 August 2021 and automatically enrolled in SBP Spouse coverage; the Defense Finance and Accounting Service (DFAS) did not receive a DD Form 2656, Data for Payment of Retired Personnel prior to Petitioner's retirement.

c. On 1 May 2024, Petitioner signed and submitted DD Form 2656-2, Survivor Benefit Plan (SBP) Termination Request with notarized spousal concurrence.

d. On 14 June 2024, the DFAS notified Petitioner "[o]ur office has received the Termination Request, however your Survivor Benefit Plan (SBP) account has been in automatic coverage sine retirement. Please complete the enclosed Auto Fact Sheet for your dependent status on the date

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[REDACTED]

of your retirement (8/1/2021) and/or provide a copy of your original DD2656 completed prior to retirement.”

e. On 17 July 2024, the DFAS received DD Form 2656-8, Survivor Benefit Plan (SBP) Automatic Coverage Fact Sheet signed by Petitioner on 31 July 2021.

f. On 26 September 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 error warranting the following corrective action. The Board concluded Petitioner provided sufficient evidence to reflect his and spouse’s desire to decline SBP coverage. However, it appears Petitioner was not provided adequate counseling on the requirements to complete DD Form 2656, Data for Payment of Retired Personnel prior to retirement, resulting in being automatically enrolled in SBP coverage. Therefore, 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 to decline participation in SBP with proper spouse concurrence prior to transferring to the Fleet Reserve effective 1 August 2021.

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 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]