



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

[REDACTED]
Docket No. 5269-24
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) DoDFMR, Vol 7B
(c) OASD Memorandum "Implementing and Procedural Guidance for Section 643 of PL 117-263, December 23, 2022, Survivor Benefit Plan Open Season"

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 cancelled participation in the 2023 Survivor Benefit Plan (SBP) Open Season Enrollment.
2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 7 August 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 October 1985, Petitioner married [REDACTED] and divorced on 5 September 1989. Final Judgement Dissolving Marriage under Simplified Dissolution Procedure did not order SBP Former Spouse coverage.
 - b. On 12 August 1998, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel and elected not to participate in SBP.
 - c. Petitioner transferred to Retired List effective 1 October 1998.
 - d. On 1 January 2000, Petitioner married [REDACTED] and divorced on 12 October 2007. Final Judgment and Decree of Divorce did not order SBP Former Spouse coverage.
 - e. On 9 July 2016, Petitioner married [REDACTED].

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f. Defense Finance and Accounting Service (DFAS) issued Petitioner Individual 2023 SBP Open Enrollment Estimate notification for SBP Spouse coverage at the full gross pay level of coverage with an effective date of 1 June 2023. The estimate included a prospective monthly premium of \$215.93 and one-time “buy-in premium” estimate of \$14,754.50.

g. On 15 September 2023, Petitioner’s SBP Spouse premium deductions began at \$215.93. However, the monthly premium cost increased to \$222.84 on 1 December 2023.

h. On 11 April 2024, DFAS issued Petitioner SBP Open Season 2023 Enrollment Confirmation notification indicating a prospective monthly standard premium of \$222.84 and one-time buy-in premium of \$68,633.35.

i. On 24 April 2024, Petitioner requested DFAS provide explanation of the premium increases.

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 cancel his 2023 SBP Open Season Enrollment. Although the proper administrative requirements were not completed, the Board determined that the untimely notification by DFAS on the premium and buy-in rate increases did not afford Petitioner the opportunity to cancel the coverage within 30 days of election. 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 cancel his 2023 SBP Open Season Enrollment within 30 days of making the election. 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-entitled 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.

8/14/2024

