



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

██████████  
Docket No. 6876-24  
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<sup>1</sup>  
(c) DD Form 2656<sup>2</sup>

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 declined participation in the Survivor Benefit Plan (SBP).

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 27 November 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 21 January 2006, Petitioner married ██████████ and divorced on 30 April 2012. Agreed Final Decree of Divorce did not order SBP Former Spouse coverage.

b. On 1 August 2015, Petitioner married ██████████.

c. On 19 October 2018, Petitioner's spouse signed DD Form 2656, Data for Payment of Retired Personnel before a notary witness concurring with Petitioner's SBP election; however, Petitioner did not make an election to decline participation and sign the form 26 October 2018.

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<sup>1</sup> SBP elections must be made prior to retired pay becoming payable and the election to participate in or decline SBP is irrevocable. The member must sign and date the election. Additionally, 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.

<sup>2</sup> Stipulates the date of the spouse's signature must not be before the date of the member's signature, or on or after the date of retirement listed in Part I, Section I, Item 4 and must be notarized.

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[REDACTED]

d. Petitioner transferred to the Temporary Disability Retired List (TDRL) effective 29 January 2019 and automatically enrolled in SBP Spouse coverage as a result of spouse signing the DD Form 2656, Data for Payment of Retired Personnel prior to Petitioner.

e. Petitioner transferred to the Permanent Disability Retired List effective 1 August 2020.

f. On 14 November 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 prior to transferring to the TDRL. Although the proper administrative requirements was not completed, the Board determined that under these circumstances, 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 spousal concurrence prior to transferring to the TDRL effective 29 January 2019.

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.

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.

12/16/2024

