



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

[REDACTED]  
Docket No. 7043-24  
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

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 participation in the 2023 Survivor Benefit Plan (SBP) Open Season Enrollment for Spouse only coverage based on the full gross retired pay level of coverage.

2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 20 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 Subject'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. In accordance with reference (b), there are no regular recurring open season periods. Open seasons must be specifically prescribed by law. The most recent SBP open season, which was authorized by reference (c), began 23 December 2022, and ended 1 January 2024, allowing eligible members to participate. The SBP Open Season allows for eligible members who, on 22 December 2022, are not currently in SBP to enroll. For a member who enrolls during the SBP Open Season, the law generally requires that the member will be responsible to pay retroactive SBP premium costs that would have been paid if the member had enrolled at retirement (or enrolled at another earlier date, depending on the member's family circumstances).

b. On 31 August 1982, Petitioner married [REDACTED] and divorced on 13 June 1996. Final Judgement and Decree did not order SBP Former Spouse coverage.

c. On 17 August 1996, Petitioner married [REDACTED].

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d. On 21 May 2001, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel and elected to decline participation in SBP with spousal concurrence.

e. On 31 July 2001, Petitioner divorced [REDACTED]. Final Decree did not order SBP Former Spouse coverage.

f. On 15 January 2002, Petitioner married [REDACTED].

g. On [REDACTED], Petitioner's tenth child, [REDACTED] was born.

h. Petitioner transferred to the Fleet Reserve effective 1 September 2001.

i. On 19 October 2023, Petitioner signed Letter of Intent (LOI) to Enroll During the SBP Open Season in SBP Spouse and Child(ren) coverage based on full gross retired pay.

j. On 18 November 2023, the Defense Finance and Accounting Service (DFAS) issued Petitioner Individual 2023 SBP Open Enrollment Estimate notification for SBP Spouse and Child coverage at the full gross pay level of coverage with an effective date of 18 November 2023. The estimate included a prospective monthly premium of \$123.52 and one-time "buy-in premium" estimate of \$39,051.42.

k. On 6 December 2023, Petitioner signed DD Form 2656-6, Survivor Benefit Plan Election Change Certificate and requested to change Spouse and Child coverage to Spouse only coverage based on the full retired pay level of coverage. Petitioner also wrote "Requesting Buy-in for Spouse only!" in Section III – Conditions That Trigger Eligibility to Change Coverage.

l. On 14 December 2023, Petitioner signed and submitted Survivor Benefit Plan (SBP) and Reserve Component Survivor Benefit Plan (RCSBP) Open Enrollment Election, and elected Spouse only coverage. Petitioner elected the Enrollment Premium Option "a. Based on the estimate I received, I elect to submit a one-time full payment for the total amount of the "buy-in premium" due." Additionally, Petitioner reiterated his desire to elect SBP Spouse only coverage by writing "\*Need new buy-in amount\*" in Section III-Election of Coverage Pursuant to the Open Season, Item 14a.; and "Yes, for spouse only" in Section VI-Enrollment Premium Payment Information, Item 22a. the DFAS did not receive page 2 of 6 with election of Level of Coverage annotated in Item 15.a.

m. On 27 December 2023, Petitioner's SBP coverage was updated to Spouse and Child coverage and associated premium deductions began.

n. On 4 March 2024, the DFAS issued Petitioner a letter confirming receipt of incomplete enrollment request for SBP Open Season stating the following: "You did not select the SBP base amount for your request (Full Gross Retired Pay; Reduced Base Amount). Please complete all required information requested, sign and date and submit a new Enrollment Form; Please submit a photocopy of the following documentation, with your name and social security number written on the top or bottom; Other: If you choose full coverage based on your current gross amount \$1,957.00, your lump-sum buy-in costs would be about \$35,560.00."

o. On 29 April 2024, the DFAS issued Petitioner a letter stating the following, "After review, we have found that you are not eligible to enroll in SBP coverage during the Open Season. Other: the

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[REDACTED]

DFAS previously sent you a letter about missing/required information in order to process your SBP Open Season request. Your corrective response was required within 30 days of that letter. We received and reviewed your response. Unfortunately, your response did not provide the required information. The DFAS cannot extend the response window. Therefore, your enrollment will not be processed.”

p. As of [REDACTED] reflects six SBP Spouse and Child coverage premiums have been deducted from Petitioner’s retired pay. However, the annuitant listed in HUNT has no association with Petitioner.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. The Board concluded Petitioner initially submitted an LOI to Enroll During the SBP Open Season in SBP Spouse and Child(ren) coverage based on full gross retired pay level of coverage. However, Petitioner’s official enrollment form specified he was electing SBP Spouse only coverage at the full gross retired pay level of 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 SBP Spouse only coverage naming [REDACTED] as beneficiary at the full gross retired pay level of coverage on 4 December 2023 (2023 SBP Open Season) and elected to submit a one-time full payment for the total amount of the “buy-in premium” due for Spouse only coverage.

Note: The DFAS will complete an audit of Petitioner’s pay records to determine if premiums are due. No waiver of unpaid premiums will be granted.

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.

12/6/2024

[REDACTED]