



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

[REDACTED]  
Docket No. 7944-24  
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) DD Form 2656

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 his naval record be corrected to reflect declined participation in the Survivor Benefit Plan (SBP).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 15 January 2025 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, 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 20 June 2015, Petitioner married [REDACTED].

b. On 13 December 2021, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel electing not to participate in SBP. On 28 December 2021, Petitioner's spouse signed the form concurring with spouse's election. However, a witness to Petitioner's signature did not sign the form until 3 January 2022.

c. On 9 January 2022, Petitioner transferred to the Permanent Disability Retired List (PDRL) effective 10 January 2022. However, Petitioner was automatically enrolled in SBP Spouse coverage due to his signature not being properly witnessed on the DD Form 2656, Data for Payment of Retired Personnel and premium deductions began on 9 January 2022.

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d. On 13 March 2023, Defense Finance and Accounting Service (DFAS) issued Petitioner a letter stating the following, "...[w]e cannot accept your DD 2656 form sent in to decline SBP as the spousal concurrence was signed prior to your signature..."

e. On 14 March 2023, Petitioner divorced [REDACTED]. Final Order Approving Agreement and Decree of Divorce did not order SBP Former Spouse 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 PDRL. Although the proper administrative requirements were 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's election to decline SBP participation was properly witnessed and included spousal concurrence prior to transferring to the PDRL effective 10 January 2022.

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.

1/22/2025

