



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

██████████  
Docket No. 7960-24  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ██████████ USN RET,  
XXX-XX ██████████

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 in a timely manner.

2. The Board, consisting of ██████████ 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 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 2 October 1984, Petitioner married ██████████ and divorced on 4 September 1990. Decree of Divorce a ██████████ did not order SBP Former Spouse coverage.

b. On 14 October 1994, Petitioner married ██████████

c. On 15 December 1998, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel electing not to participate in SBP with spouse concurrence.

d. Petitioner transferred to the Fleet Reserve effective 1 February 1999.

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- e. On 30 July 2005, [REDACTED] passed away.
- f. On 7 April 2015, Petitioner married [REDACTED]
- g. On 31 October 2023, Petitioner signed Letter of Intent (LOI) to Enroll During SBP Open Season and selected intention to enroll in SBP Spouse only coverage based on full gross retired pay level of coverage.
- h. On 11 December 2023, Petitioner signed Survivor Benefit Plan (SBP) and Reserve Component Survivor Benefit Plan (RCSBP) Open Enrollment Election electing for SBP Spouse only coverage based on full gross retired pay level of coverage. Additionally, Petitioner selected Enrollment Premium Option 22c. "Based on the estimate I received, I elect to initiate a Voluntary Payment Plan for the amount of the "buy-in premium" due to be deducted in 12 equal monthly installments..."
- i. On 19 January 2024, the Defense Finance and Accounting Service (DFAS) issued Petitioner a letter stating the following, "[w]e received your Enrollment request for the Survivor Benefit Plan (SBP) Open Season. After review, we have found that your request is incomplete. Your action is required... Please submit a photocopy of the following documentation, with your name and social security number written on the top or bottom: Death certificate of the spouse you were married to at retirement [REDACTED]"
- j. On 14 May 2024, Petitioner wrote the DFAS a letter requesting to cancel SBP Open Season enrollment stating the following, "I have received two written estimates for the same coverage (\$23,528.77 and \$11,489.94) and I've been told via phone from the DFAS that my final amount due will be \$47,526.05!!! I will be forced to file bankruptcy if this occurs! Please, please stop my coverage. This would be worse than my passing."
- k. On 5 June 2024, the 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 January 2024. The estimate included a prospective monthly premium of \$129.93 and one-time "buy-in premium" estimate of \$47,526.05.
- l. On 14 June 2024, the DFAS notified Petitioner of an SBP debt of \$649.65 for monthly premiums owed from 1 January 2024 – 31 May 2024 resulting from an audit performed on his retired pay account.
- m. On 22 July 2024, the DFAS notified [REDACTED] that errors were made with the original estimates provided to Petitioner as result of the incorrect retirement date being used. After correction to Petitioner's actual retirement date from April 7, 2015 to February 1, 1998 the one-time buy-in amount increased to \$47,526.05.
- n. On 16 November 2024, Petitioner and spouse signed SBP Affidavit before a notary witness requesting to decline SBP coverage.

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## 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 Petitioner did not complete the proper administrative requirements, the Board surmised the untimely notification by the DFAS on the accurate premium and buy-in rate 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 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

