



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

Docket No. 7961-24  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD  
XXX-XX-██████████

Ref: (a) Title 10 U.S.C. § 1552  
(b) DoDFMR, Vol 7B

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] reviewed Petitioner's allegations of error and injustice on 8 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. In accordance with reference (b), SBP elections must be made prior to retired pay becoming payable and the election to participate in or decline SBP is irrevocable. Any change in SBP election subsequent to retirement will be done through an administrative correction of records as permitted by law.
  - b. On 10 January 2014, Petitioner married [REDACTED] and divorced on 15 September 2020. Final Divorce Order did not order SBP Former Spouse coverage.
  - c. On 2 October 2022, Petitioner married [REDACTED].
  - d. On 9 February 2024, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel and elected SBP Spouse only coverage based on the full gross pay level of coverage.

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XXX-XX-[REDACTED]

e. Petitioner transferred to the Permanent Disability Retired List (PDRL) effective 30 March 2024 and SBP Spouse only premium deductions began.

f. On 20 December 2024, Petitioner and spouse signed SBP Affidavit indicating that they desired Petitioner's SBP election to be changed to reflect that he declined SBP coverage. Petitioner indicated that he "received sufficient SBP information/counseling prior to [his] date of retirement, however [he] did not understand the program."

## 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 determined Petitioner was medically retired from the U.S. Navy as an E-5. The Board concluded that a junior Sailor going through medical processing would not have enough knowledge of the SBP program without in-depth training on the subject matter, therefore determined that under this circumstance, 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 PDRL effective 30 March 2024.

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.

1/16/2025

