



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

[REDACTED]  
Docket No. 8244-24  
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,  
XXX-XX-[REDACTED]

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 [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 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 11 September 1989, Petitioner married [REDACTED] and divorced on 10 November 1998. Final Judgment and Decree did not order SBP Former Spouse coverage.

b. On 1 October 2003, Petitioner married [REDACTED].

c. On 2 September 2014, 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 April 2015.

e. On 28 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 my [his] Reduced Retired Pay under REDUX. Additionally, Petitioner selected Enrollment

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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...”

f. On 29 December 2023, Petitioner’s SBP Spouse only premium deductions began.

g. On 14 June 2024, Petitioner wrote the Defense Finance and Accounting Service (DFAS) a letter requesting to cancel SBP Open Season enrollment.

h. On 17 June 2024, the DFAS responded to Petitioner’s request with the following, “...we have found that your request to cancel your enrollment is not valid... We did not receive your cancellation notice within 30 days of your signature on the enrollment form...”

i. On 27 November 2024, Petitioner and current 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 cancel his 2023 SBP Open Season Enrollment. Although Petitioner did not complete the proper administrative requirements, the Board concluded he lacked understanding of the SBP program, the associated cost, and the requirement to cancel the election within 30 days. 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.

1/23/2025

