



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

[REDACTED]
Docket No. 8320-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
XXX XX [REDACTED] USMC RET

Ref: (a) Title 10 U.S.C. § 1552
(b) DoD 7000.14-R FMR Volume 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 show that Petitioner declined participation in the Survivor Benefit Plan (SBP) and received a refund of premiums paid.

2. The Board, consisting of [REDACTED], [REDACTED] and [REDACTED], reviewed Petitioner's allegations of error and injustice on 6 March 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. In accordance with reference (b), in the case of a member electing a standard SBP annuity, the member must make such election before retired pay becomes payable, or if there is no eligible beneficiary at that time, within 1 year of acquiring an eligible beneficiary. All elections are irrevocable once the member is placed on the retired list, unless otherwise provided by law.

A married member who is eligible to provide SBP may not, without the concurrence of their spouse, decline participation in SBP, elect a reduced annuity for the spouse, or elect an annuity for a dependent child, but not for a spouse...

Any change in SBP election subsequent to retirement will be done through an administrative correction of records as permitted by law.

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b. Defense Manpower Data Center (DMDC) listed the following dependents: [REDACTED] (spouse) with a date of marriage of [REDACTED] (child) with a date of birth of [REDACTED] (child) with a date of birth of 6 May 2009, [REDACTED] (child) with a date of birth of [REDACTED] and [REDACTED] (child) with a date of birth of [REDACTED]

c. On 6 September 2023, Petitioner signed DD Form 2648, Service Member Pre-Separation/Transition Counseling and Career Readiness Standards EForm for Service Members Separating, Retiring, Released from Active Duty (REFRAD).

d. On 27 September 2023, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel and elected not to participate in SBP with spousal concurrence. The Witness for Petitioner's signature and the Notary Witness for the spouse's signature did not sign the form until 28 September 2023.

e. Petitioner retired with an Honorable character of service and was issued a DD Form 214, Certificate of Release or Discharge from Active Duty, for the period of 22 January 2001 to 31 March 2024 upon having sufficient service for retirement.

f. On 1 April 2024, the Defense Finance and Accounting Service (DFAS) HUNT system shows that Petitioner was auto enrolled in SBP spouse coverage with children excluded.

g. On 30 June 2024, Petitioner signed and submitted DD Form 2656-6, Survivor Benefit Plan Election Change Certificate to the DFAS requesting to suspend SBP coverage but failed to provide the condition that triggered eligibility to change coverage. Additionally, Petitioner signed and submitted DD Form 2656-8, Survivor Benefit Plan (SBP) – Automatic Coverage Fact Sheet.

h. On 5 August 2024, the DFAS notified Petitioner that his correspondence was received but action could not be taken because additional information was needed. The letter directed Petitioner to submit DD Form 2656-6 with the life event that changed and supporting documentation to go along with the change.

i. On 11 November 2024, Petitioner and his spouse both signed an affidavit before a Notary Witness 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 and completed a DD Form 2656, however, it is not on file at the Defense Finance and Accounting Service-Cleveland or was received and is invalid."

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of reference (b), the Board finds the existence of an injustice 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 Retired List. Although the

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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 elected to decline participation in SBP with proper spousal concurrence prior to transferring to the Retired List effective 1 April 2024.

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.

3/8/2025

[REDACTED]

Deputy Director
Signed by: [REDACTED]