



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

██████████
Docket No. 8574-24
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) DoDFMR, Vol 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 her naval record be corrected to reflect declined participation in the Survivor Benefit Plan (SBP) and refund of premiums paid.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 29 October 2024 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, 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 8 August 2008, Petitioner married to ██████████.
- b. On 7 January 2013. Petitioner and spouse entered into a Separation Agreement whereby "[e]ach of the parties agrees to waive any and all right, claims, and interest that he or she may have, now or in the future, in and to the other party's military retirement benefits."
- c. On 12 April 2013, Petitioner divorced spouse. Final Decree of Divorce affirmed, ratified, and incorporated the Separation Agreement dated 7 January 2013.
- d. Petitioner transferred to the Fleet Reserve effective 1 November 2016 and automatically enrolled in SBP Spouse only coverage as a result of the Defense Finance and Accounting Service

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XXX-XX-[REDACTED]

(DFAS) not receiving a DD Form 2656, Data for Payment of Retired Personnel prior to retirement.

e. On 25 April 2024, Petitioner signed and submitted DD Form 2656-6, Survivor Benefit Plan Election Change Certificate requesting to suspend Spouse only coverage based on divorce. On 31 May 2024, DFAS responded that action could not be taken on the request because DD Form 2656-8, Survivor Benefit Plan (SBP)-Automatic Coverage Fact Sheet was required.

f. On 1 July 2024, Petitioner signed and submitted DD Form 2656-8, Survivor Benefit Plan (SBP)-Automatic Coverage Fact Sheet to DFAS.

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 did not have an eligible SBP Spouse beneficiary at the time of retirement. Therefore, although the proper administrative requirements were not completed, 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 decline participation in SBP prior to transferring to the Fleet Reserve effective 1 November 2016. 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.

11/20/2024

