



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

[REDACTED]
Docket No. 9198-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USNR RET,
XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) DoD 7000.14-R

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 declined participation in Reserve Component Survivor Benefit Plan (RCSBP).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 5 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 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. In accordance with reference (b), any member who is notified of their completion of the years of service required for retired pay eligibility for non-regular retirement may elect to participate in the RCSBP before the end of the 90-day period. A member who is married or has a dependent child, and who receives notice of eligibility for retired pay, after January 1, 2001, is automatically an immediate participant in RCSBP unless the member elects (with spousal concurrence, if required) not to participate or to defer the decision or delay coverage before the end of the 90-day period. RCSBP coverage for the member's survivors commences but premiums are not paid until the member first becomes actually entitled to retired pay. RCSBP premium deductions are for the coverage provided while the member awaited the requisite age of entitlement to retired pay. RCSBP premiums are distinct from the Survivor Benefit Plan (SBP) premiums.

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- b. On 21 November 1996, Petitioner married [REDACTED] and had one child: [REDACTED] born on 9 January 2001.
- c. On 19 June 2014, Petitioner earned 20 years of qualifying service for non-regular retirement.
- d. On 3 October 2014, Petitioner executed mobilization orders in support of [REDACTED].
- e. On 12 November 2014, Petitioner issued Notification of Eligibility (NOE) to Receive Retired Pay at Age 60 and Participate in the Reserve Component Survivor Benefit Plan (RCSBP).
- f. On 1 December 2015, Petitioner demobilized.
- g. On 3 May 2024, Navy Personnel Command (PERS-912) notified Defense Finance and Accounting Service that they did not receive an election from Petitioner to decline participation with spouse concurrence by 10 February 2015; therefore, was automatically enrolled in RCSBP Spouse and Child coverage.
- h. On 25 November 2024, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel requesting to decline SBP coverage with notarized spouse concurrence. Petitioner indicated he elected Option A – RCSBP coverage (Previously declined to make an election until eligible to receive retired pay).
- i. On 25 November 2024, Petitioner, and his spouse both signed an 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 insufficient SBP information/counseling prior to [his] date of retirement."
- j. Petitioner transferred to the Retired Reserve with pay effective 1 December 2024. RCSBP Spouse and Child coverage and SBP Spouse coverage premium deductions began.

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 concluded Petitioner provided sufficient evidence to reflect his and spouse's desire to decline RCSBP and SBP coverages. Although Petitioner did not complete the proper administrative requirements, the Board determined that under these circumstances, relief is warranted.

RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

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Petitioner elected to decline participation in RCSBP coverage with spouse concurrence prior to transferring to the Retired Reserve with pay effective 1 December 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.

3/14/2025

[REDACTED]

Deputy Director

Signed by: [REDACTED]