



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

[REDACTED]
Docket No. 9386-24
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

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 Survivor Benefit Plan (SBP) Children only coverage.

2. The Board, consisting of [REDACTED], [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 12 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), SBP elections must be made prior to retired pay becoming payable and the election to participate in or decline SBP is irrevocable. Elections for child only SBP coverage, reduced level of coverage and declined coverage require spouse concurrence. If not all requirements for an election needing the spouse's concurrence have been satisfied prior to retirement, for whatever reason, full spouse costs, and coverage will be implemented, regardless of any request by the member to do otherwise. Any change in SBP election subsequent to retirement will be done through an administrative correction of records as permitted by law.

b. On 12 May 2007, Petitioner married [REDACTED].

c. Petitioner had two dependent children: [REDACTED] born on 4 February 2007 and [REDACTED] born on 30 April 2009.

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d. On 9 October 2016, Petitioner divorced [REDACTED]. Judgment of Dissolution did not direct SBP Former Spouse coverage.

e. On 19 June 2017, Petitioner married [REDACTED].

f. On 21 December 2022, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel and elected Spouse only coverage at the full gross pay level of coverage.

g. On 15 February 2024, Petitioner's third child, [REDACTED] was born.

h. On 5 March 2024, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel and elected Child only coverage at the full gross pay level of coverage with notarized spouse concurrence.

i. Petitioner transferred to the Fleet Reserve effective 1 August 2024 and was enrolled in SBP Spouse only coverage.

j. On 2 December 2024, Petitioner and spouse signed SBP Affidavit indicating that they desired Petitioner's SBP election to be changed to reflect that he elected Child only coverage. Petitioner indicated that he "received sufficient SBP information/counseling prior to [his] 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 error warranting the following corrective action. The Board concluded Petitioner provided sufficient evidence to reflect his and spouse's desire to elect SBP Child only coverage prior to transferring to the Fleet Reserve. The Board determined the Defense Finance and Accounting Service (DFAS) received Petitioner's first election form for Spouse only coverage and the second election form for Child only coverage, but surmised the DFAS did not realize the second form was not a duplicate of the first election. Therefore, the Board determined under these circumstances, relief is warranted.

RECOMMENDATION

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

Petitioner elected to participate in SBP "Child only" vice "Spouse only" coverage with spousal concurrence prior to transferring to the Fleet Reserve effective 1 August 2024.

Note: The DFAS will complete an audit of Petitioner's pay records to determine the amount of premium refund, 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.

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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.

3/24/2025

