



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

██████████
Docket No. 10179-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USN RET,
██████████

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 he declined participation in the Survivor Benefit Plan (SBP).

2. The Board, consisting of ██████████ reviewed Petitioner's allegations of error and injustice on 8 May 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. 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. On 19 June 2013, Petitioner married ██████████. In September 2015, Petitioner's first dependent child was born ██████████ and second dependent child was born in ██████████ ██████████

b. On 19 March 2021, COMNAVPERSCOM, Millington, TN notified PERSUPP DET, Washington DC that "[t]he Secretary of the Navy has directed the Temporary Disability retirement with disability at 40 percent. Release from active duty 28 May 21, retirement effective 29 May 21. Subject member is competent. Disability has been determined to be not combat related."

c. On 29 March 2021, Petitioner signed a Data for Payment of Retired Personnel (DD Form 2656), and elected SBP Spouse and Child(ren) coverage at the full gross pay level of coverage.

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[REDACTED]

d. On 20 April 2021, Petitioner was issued official retirement orders (BUPERS order: 1101) while stationed in [REDACTED] with an effective date of departure of May 2021 and effective date of retirement 28 May 2021.

e. Petitioner transferred to the Temporary Disability Retired List with an Honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 5 August 2008 to 28 May 2021 due to Disability, Temporary.

f. On 17 May 2022, Department of Veterans Affairs notified Petitioner that “[t]his letter is a summary of benefits you currently receive from the Department of Veterans Affairs (VA). We are providing this letter to disabled Veterans to use in applying for benefits such as state or local property or vehicle tax relief, civil service preference, to obtain housing entitlements, free or reduced state park annual memberships, or any other program or entitlement in which verification of VA benefits is required. Please safeguard this important document. This letter is considered an official record of your VA entitlement.” Furthermore, Petitioner’s combined service-connected evaluation is 100%.

g. On 1 October 2024, the Defense Finance and Accounting Services (DFAS) notified Petitioner that “[t]his letter is concerning the Survivor Benefit Plan (SBP) portion of your military retired pay account. An audit on your SBP account has been completed. As of the date of this letter, there is a balance due the Government in the amount shown below.

You have a delinquent balance due of unpaid SBP premiums on your retired military pay account. Your payment of SBP premiums are required to be remitted on a monthly basis and your payments are currently in a delinquent status. You are required to pay your SBP premiums directly to the DFAS because you have insufficient retired pay and/or Combat Related Special Compensation (CRSC) from which to deduct the monthly SBP premium. SBP premium balance due: \$4,876.29.”

h. On 3 May 2025, Petitioner and spouse signed SBP Affidavit before a notary witness requesting to decline SBP coverage. Petitioner indicated that he “received insufficient SBP information/counseling prior to [his] date of retirement.”

i. On 18 April 2025, the DFAS HUNT system shows that Petitioner enrolled in SBP spouse and child coverage effective 29 May 2021 in the amount of \$118.96, and Current cost \$118.96.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded that Petitioner began receiving SBP Spouse and Children coverage as requested at the time of his transfer to the TDRL effective 29 May 2021. The untimely notification by the DFAS regarding the unpaid SBP premiums contributed to Petitioner not making a timely election to discontinue SBP coverage on his own in accordance with references (b).¹ Therefore, the Board determined that under these

¹ Every retiring member who is married at retirement is automatically enrolled in SBP for full coverage unless the spouse consents in writing to reduced coverage or no coverage before the first day of eligibility to receive retired

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[REDACTED]

circumstances, partial relief is warranted. However, Petitioner is not entitled to a refund of previously paid premiums because his beneficiaries would have received an annuity if something happened during this time.

RECOMMENDATION

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

Petitioner requested to terminate SBP Spouse and Children coverage with proper spousal concurrence on the first eligible date of the 25th month after transfer to the TDRL effective 29 May 2021.

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.

That no further changes be made to 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.

5/13/2025



pay. An SBP participant may choose to voluntarily discontinue SBP participation during a 1-year period which begins on the second anniversary of the date of commencement of retired pay. The date of commencement of retired pay is defined as the date that the retiree becomes entitled to retired pay. A recall to active duty following retirement will not alter this date. An SBP participant who is eligible to discontinue participation must send a written request to the DFAS on a DD Form 2656-2. A request for information or a request for termination that is not on a DD 2656-2 is not considered a valid request to discontinue. The most recent SBP open season, which was authorized by section 643 of PL 117-263, began December 23, 2022, and ends January 1, 2024, allows eligible members to participate or discontinue participation. NDAA FY 2023 SBP Open Season for Discontinuation. The SBP Open Season also allows eligible members who are currently enrolled in either SBP or RCSBP to permanently discontinue their SBP coverage. The law generally requires the covered beneficiaries to concur on the SBP and RCSBP Open Season Election to Discontinue Participation form in writing with the election to discontinue. Previously paid premiums will not be refunded.