



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

[REDACTED]  
Docket No. 10984-24  
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,  
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552  
(b) DoD 7000.14-R FMR Volume 7B  
(c) DD Form 2656 (March 2022)

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 [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 3 April 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. 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. In accordance with reference (c) stipulates the following (PART V – Spouse SBP Concurrence): “Required ONLY when the member is married and elects either (a) child only SBP coverage, (b) does not elect full spouse SBP coverage, or (c) declines SBP coverage This is not required for any former spouse or former spouse and child elections. The date of the spouse’s signature in Item 43 c MUST NOT be before the date of the member's signature in Item 41.c., or on or after the date of retirement listed in Part I, Section I. Item 4 The spouse s signature MUST be notarized Electronic signatures are allowed.”

c. On 16 Jul 2015, Petitioner got married ([REDACTED]).

d. On 11 January 2024, Petitioner signed a Data for Payment of Retired Personnel (DD Form 2656) and elected not to participate in SBP. Furthermore, Petitioner’s spouse and notary signed on 10 January 2024.

e. Petitioner transferred to Fleet Reserve with a 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 18 November 2002 to 30 April 2024 upon having sufficient service for retirement.

f. On 28 December 2024, Petitioner and spouse signed SBP Affidavit before a notary witness requesting to decline SBP coverage.

g. On 2 April 2025, Defense Finance and Accounting Service (DFAS) HUNT system shows that Petitioner was auto enrolled in SBP spouse coverage effective 1 May 2024 in the amount of \$208.34.

## 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 SBP coverage prior to transferring to the Fleet Reserve; however, he was auto enrolled in Spouse coverage due to his spouse and notary signatures were dated prior to his. 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 with proper spousal concurrence prior to transferring to the Fleet Reserve effective 1 May 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.

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[REDACTED]

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.

4/10/2025

[REDACTED]