



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

[REDACTED]
Docket No. 11715-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
XXX XX [REDACTED] USMC RET

Ref: (a) 10 U.S.C. § 1552
(b) Department of Defense Financial Management Regulation 7000.14-R, Financial Management Regulation, Volume 7B (Military Pay Policy - Retired Pay), Chapter 42: Survivor Benefit Plan (SBP) – Application of the Plan Chapter 43: Survivor Benefit Plan (SBP) - Elections and Election Changes
(c) DD Form 2656, Data for Payment of Retired Personnel

Encl: (1) DD Form 149 w/attachments
(2) NAVMC 00763, United States Marine Corps Appointment Acceptance and Record, 14 May 2018
(3) DD Form 214, Certificate of Release or Discharge from Active Duty, 1 Dec 23
(4) Department of Defense Person Search, 23 May 25
(5) DD Form 2656, Data for Payment of Retired Personnel, 4 Aug 23
(6) Marine Corps Detachment Presidio of Monterey Memo 1900 S-1, subj: Release from Active Duty and Transfer to the Temporary Disability Retired List (TDRL), 1 Dec 23
(7) Petitioner Individual Separation Information, 1 Feb 24
(8) Petitioner's HUNT Screens
(9) Defense Finance and Accounting Service – Online Customer Service, 20 Nov 24
(10) Survivor Benefit Plan (SBP) Affidavit, 20 Dec 24

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 he declined participation in the Survivor Benefit Plan (SBP) at the time he transferred to the Temporary Disability Retired List (TDRL) effective 30 November 2023 so that he can be reimbursed SBP premiums erroneously paid from 30 November 2023 through present.

2. The Board reviewed Petitioner's allegations of error or injustice on 5 June 2025 and, pursuant to its governing policies and procedures, determined by a majority vote that the corrective action indicated below should be taken on Petitioner's naval record. Documentary material considered by the Board included enclosures; relevant portions of Petitioner's naval records; and applicable statutes, regulations, and policies.

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3. Having reviewed all that evidence of record pertaining to Petitioner's allegations of error or injustice, the Board found as follows:

a. Before applying to the Board, Petitioner exhausted all administrative remedies available under existing law and regulations with the Department of the Navy.

b. On 14 May 2018, Petitioner accepted an active commission and entered active duty on 1 October 2018. See enclosures (2) and (3).

c. On 19 July 2023, Petitioner married [REDACTED] See enclosure (4).

d. On 31 July 2023, Petitioner's spouse signed DD Form 2656, Data for Payment of Retired Personnel before a notary witness, however Petitioner did not sign the form until 4 August 2023.¹ See enclosure (5).

e. On 29 November 2023 Petitioner was discharged and transferred to the TDRL effective 30 November 2023 and automatically enrolled in SBP Spouse only coverage. See enclosures (6), (7), and (8).

f. On 20 November 2024, Petitioner submitted a Defense Finance and Accounting Service (DFAS) trouble ticket regarding his SBP premium deductions from his retired pay. DFAS responded on 21 November 2024 indicating, "[w]e show your SBP election was invalid for processing your election to decline SBP at retirement. Your spouse signed and had notarized the SBP Spousal Concurrence prior to you signing the DD2656. This made your election [invalid]." See enclosure (9).

g. On 20 December 2024, Petitioner and his spouse both signed an affidavit indicating that they desired Petitioner's SBP election to be changed to reflect that he declined SBP coverage. Petitioner indicated that he "received sufficient SBP information/counseling and completed a DD Form 2656, however, it is not on file at the Defense Finance and Accounting Service-Cleveland or was received and is invalid." See enclosure (10).

MAJORITY CONCLUSION

Upon careful review and consideration of all the evidence of record, the Majority of the Board found sufficient evidence of an injustice warranting corrective action.

The Majority found no error in the automatic election of full SBP coverage for Petitioner's spouse as a result of the DD Form 2656 being improperly signed and dated. Per reference (b), such coverage is automatic when the spouse signs the form prior to the service member making

¹ Reference (c) specifies when the member is married and elects to decline SBP coverage SBP spouse notarized concurrence is required. Additionally, the form further indicates that the date of the spouse's signature must not be before the date of the member's signature, or on or after the date of retirement.

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an election and signing. Accordingly, Petitioner's automatic election of full SBP coverage for his spouse was proper.

Although the Majority found no error with Petitioner's automatic enrollment in full SBP coverage for his spouse, it found an injustice. Specifically, the Majority found that Petitioner would have relied on his administrators to assist him with the proper completion of his retirement documents as he may not have had enough knowledge of the SBP program without in-depth training on the subject matter. The Majority concluded Petitioner received inadequate guidance on the completion of his DD Form 2656, as evident by the administrator processing the form with the signatures out of order, therefore determined that under these circumstances, relief is warranted.

MAJORITY RECOMMENDATION

In view of the above, the Majority recommends that the following corrective action be taken on Petitioner's naval record:

That Petitioner's naval record be corrected to reflect that he properly declined participation in the SBP with his spouse's signed and notarized concurrence prior to his transfer to the TDRL effective 30 November 2023.

Upon completion of this corrective action, a copy of the corrected record and this decision will be forwarded to the DFAS to conduct an audit of Petitioner's pay records to determine amounts due, if any.

That a copy of this record of proceedings be filed in Petitioner's naval record.

MINORITY CONCLUSION

Upon careful review and consideration of all the evidence of record, the Minority of the Board found insufficient evidence of any error or injustice warranting relief.

The Minority did not concur with the Majority conclusion that there was sufficient evidence to conclude that Petitioner received inadequate information and/or guidance regarding the SBP election process. The Minority concluded Petitioner's automatic SBP enrollment was in accordance with reference (b).² Additionally, reference (c) was signed by Petitioner outlining the requirement for spouse concurrence when a member elects not to participate in SBP coverage. Moreover, the Minority determined Petitioner began receiving SBP coverage on 30

² SBP elections must be made prior to retired pay becoming payable and the election to participate in or decline SBP is irrevocable. 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.

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November 2023 and his spouse would have received an annuity if something happened to him during this time, therefore relief is not warranted.

Finally, the Minority noted that Petitioner may voluntarily discontinue SBP coverage in accordance with reference (b) by submitting a DD Form 2656-2, Survivor Benefit Plan (SBP) Termination Request to DFAS between December 2025 and November 2026.

MINORITY RECOMMENDATION

In view of the above, the Minority recommends that no corrective action be taken on 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-entitled matter.
5. The foregoing action of the Board is submitted for your review and action.

6/16/2025



ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS) DECISION:

☐ Majority Recommendation Approved (Grant Relief – I concur with the Majority conclusion and therefore direct the correction action recommended by the Majority above.)

☒ Minority Recommendation Approved (Deny Relief – I concur with the Minority conclusion and therefore direct that no corrective action be taken on Petitioner's naval record.)

