



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

██████████
Docket No. 11876-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USN RET,
XXX-XX-██████████

Ref: (a) Title 10 U.S.C. § 1552
(b) DoD 7000.14-R FMR Volume 7B
(c) DD Form 2656, Oct 18
(d) DODI 1332.42, 30 Dec 20

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 Petitioner discontinued participation in the Survivor Benefit Plan (SBP) in a timely manner.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 29 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 Subject'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 18 June 2004, Petitioner got married (██████████) and got divorced on 16 December 2009. Final Decree of Divorce stated that "ADJUDGED. ORDERED, and DECREED that spousal support is waived by both parties."

b. On ██████████, Petitioner's dependent child (██████████) was born.

c. On 20 February 2010, Petitioner got married (██████████).

d. On ██████████, Petitioner's dependent child (██████████) was born.

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e. On [REDACTED], Petitioner's dependent child ([REDACTED]) was born.

f. Reference (b) SBP Elections 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.

g. Reference (c) 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. The date of the spouse's signature in Block 41c MUST NOT be before the date of the member's signature in Block 39c, or on or after the date of retirement listed in Part I, Section I. Block 4. The spouse's signature MUST be notarized.

h. Reference (d) a member may elect to discontinue participation in SBP by submitting DD Form 2656-2 only during the period that is more than 2 years, but less than 3 years, after the first date of entitlement to receive retired pay. The member must sign the request no earlier than the 1st day of the 25th month, and no later than the last day of the 36th month from the date of entitlement to retired pay, with spousal written concurrence, if applicable. The Director, Defense Finance and Accounting Service (DFAS), must receive the member's signed request no earlier than the first day of the 25th month, and no later than the last day of the 36th month from the date of entitlement to retired pay.

i. On 6 April 2021, Petitioner signed a Data for Payment of Retired Personnel (DD Form 2656) listing the following: "Block 34 (SBP Beneficiary Categories) I elect not to participate in SBP." Furthermore, spouse signed SBP concurrence on 5 April 2021.

j. Petitioner was transferred to the Fleet Reserve 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 31 July 2001 to 31 August 2021 upon having sufficient service for retirement.

k. On 26 August 2024, Petitioner signed a SBP Termination Request (DD Form 2656-2). Furthermore, spouse signed SBP concurrence on 27 August 2024.

l. On 28 August 2024, U.S. Postal Service ([REDACTED], [REDACTED], [REDACTED]) postmarked a Certified Mail Receipt for an item sent to DFAS.

m. In accordance with U.S. Postal Service Tracking, on 3 September 2024, Petitioner's item was delivered to the front desk, reception area, or mailroom in [REDACTED], [REDACTED].

n. On 26 September 2024, DFAS notified Petitioner that "[t]his letter is in response to your request to terminate SBP coverage. As stated under 'INSTRUCTIONS' #1 on the DD-2656 form, you only have a one year- window to withdraw from the SBP starting with the 25th month through the 36th month after your first eligibility to receive retired pay. Since you have been retired 37 months, you are no longer eligible to withdraw.

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o. On 3 January 2025, 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 "I received sufficient SBP information/counseling prior to my retirement, however I did not understand the program."

p. On 22 May 2025, DFAS HUNT system shows that Petitioner enrolled in SBP spouse and child coverage effective 1 September 2021 in the amount of \$201.01, and Current cost \$201.01.

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 decline SBP coverage; however, the HUNT system shows Petitioner's current election is spouse and child. Petitioner attempted to decline SBP in accordance with reference (d); however, his request was disapproved because it was not received within the required timeframe. Although Petitioner did not complete the proper administrative requirements, 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 terminate participation in SBP with proper spousal concurrence prior to 31 August 2024. Note: The DFAS 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.

6/5/2025

[REDACTED]