



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

██████████
Docket No. 23-25
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) DoDFMR, Vol 7B
(c) DD Form 2656

Encl: (1) DD Form 149 w/attachment
(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 declined participation in the Survivor Benefit Plan (SBP).

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 28 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. 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. However, 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. Reference (c) stipulates Spouse SBP concurrence is required only when the member is married and elects either: (a) child only SBP coverage, (b) does not elect full SBP coverage; or (c) declines SBP coverage.

c. On 24 August 1999, Petitioner entered active duty.

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d. On 26 December 2001, Petitioner married [REDACTED] and had two children born on [REDACTED] February [REDACTED] and [REDACTED] July [REDACTED].

e. On 14 April 2011, Petitioner divorced [REDACTED]. Final Judgment of Dissolution of Marriage did not order SBP Former Spouse coverage.

f. On 17 August 2013, Petitioner married [REDACTED] and had one child born on [REDACTED] August [REDACTED].

g. On 21 September 2020, Petitioner divorced [REDACTED]. Decree of Divorce A Vinculo Matrimonii did not order SBP Former Spouse coverage.

h. On 30 April 2024, Petitioner's former spouse signed DD Form 2656, Data for Payment of Retired Personnel.

i. On 6 May 2024, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel and elected not to participate in SBP coverage.

j. Petitioner transferred to the Fleet Reserve effective 1 September 2024, automatically enrolled in SBP Spouse only coverage and premium deductions began.

k. On 4 October 2024, Petitioner married [REDACTED], and acquired three step children born on [REDACTED] October [REDACTED], [REDACTED] July [REDACTED] and [REDACTED] August [REDACTED].

l. On 6 January 2025, Petitioner and current spouse 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 "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 did not have an SBP eligible spouse beneficiary at the time of retirement. Therefore, although Petitioner did not complete the proper administrative requirements, the Board determined that under these circumstances, relief is warranted.

RECOMMENDATION

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

Petitioner elected to decline participation in SBP coverage prior to transferring to the Fleet Reserve effective 1 September 2024.

Note: The Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to determine amounts due, if any.

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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.

6/11/2025

[REDACTED]

Deputy Director

Signed by: [REDACTED]