



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

██████████
Docket No. 402-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ██████████ 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/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 her naval record be corrected to reflect declined participation in the Survivor Benefit Plan (SBP).

2. The Board, consisting of ██████████ reviewed Petitioner's allegations of error and injustice on 15 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, she exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. Reference (b) 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.

b. Reference (c) stipulates 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 listed in Part I, Section I, Item 4. The spouse's signature must be notarized.

c. On 4 February 2003, Petitioner entered active duty.

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d. On 14 January 2022, Petitioner married [REDACTED] and had one child born on [REDACTED] September [REDACTED].

e. On 10 October 2023, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel acknowledging the Lump Sum Election requirements and elected not to participate in SBP coverage. However, Petitioner failed to certify/sign her SBP election in Section XI-Certification portion of the form, and the signature blocks for the Witness, Spouse and Notary Witness were blank.

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

g. On 18 July 2024, Petitioner's spouse and notary witness signed DD Form 2656, Data for Payment of Retired Personnel, and submitted page five of six only to Defense Finance and Accounting Service.

h. On 21 November 2024, Petitioner and notary witness signed DD Form 2656-6, Survivor Benefit Plan Election Change Certificate requesting to suspend coverage. Additionally, Petitioner signed a DD Form 2656-8, Survivor Benefit Plan (SBP) – Automatic Coverage Fact Sheet.

i. On 27 January 2025, Petitioner, and her spouse both signed an SBP Affidavit indicating that they desired Petitioner's SBP election to be changed to reflect that she declined SBP coverage. Petitioner indicated that she "received insufficient SBP information/counseling prior to [her] date of retirement."

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 her and spouse's desire to decline SBP coverage prior to retirement. 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 with proper spousal concurrence prior to transferring to the Fleet Reserve effective 1 April 2024.

Note: The Defense Finance and Accounting Service 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.

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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.

6/4/2025

