



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

[REDACTED]
Docket No. 1165-25
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

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 that she 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 26 June 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 28 September 2009, Petitioner's dependent child was born [REDACTED].
- b. On 9 April 2015, Petitioner got married. Petitioner subsequently divorced on 12 May 2017. Judgment of Dissolution from [REDACTED], [REDACTED] listed the following: "The retirement accounts and/or pension plans of the parties shall be distributed as follows: Navy retirement in my name will remain fully mine."
- c. On 18 June 2017, Petitioner remarried. On 14 March 2019, Petitioner's dependent child was born ([REDACTED]). On 8 March 2021, Petitioner's dependent child was born [REDACTED].
- d. In accordance with reference (b), "[a]n election is irrevocable, except under the following circumstances:

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3.1.1. A member retired March 1, 1986, or later, who elected and received less than maximum SBP coverage without the spouse's concurrence, will have such coverage changed to full coverage if the Secretary concerned later determines that the spouse's concurrence in such election was required, but not obtained;

3.1.2. The Secretary concerned may revoke an election when necessary to correct an administrative error. Revocation or correction based on administrative error is a Secretarial prerogative and, except when procured by fraud, is final and conclusive on all officers of the United States;..."

e. On 18 January 2024, Petitioner certified Data for Payment of Retired Personnel (DD Form 2656) Section X (Survivor Benefit Plan (SBP) Election) block 36 (SBP beneficiary categories) listed "I elect coverage for spouse and child(ren)" and block 37 (SBP level of coverage) "I elect coverage based on full gross pay." Section XI (SBP certification) block 41 (Member) listed Petitioner's and witness's signature.

f. On 6 February 2024, Petitioner was issued official retirement orders (BUPERS order: [REDACTED]) while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of March 2024 and effective date of retirement 16 March 2024.

g. Petitioner Temporary Disability Retired List 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 17 January 2017 to 15 March 2024 due to disability, temporary.

h. On 21 October 2024, Department of Veterans Affairs notified Petitioner of rating decision that "Evaluation of post-traumatic stress disorder (PTSD) with unspecified depressive disorder, unspecified psychotic disorder, and traumatic brain injury (TBI), which is currently 70 percent disabling, in increased to 100 percent effective July 8, 2024."

i. On 12 March 2025, Petitioner and her spouse both signed an SBP affidavit before a Notary Witness indicating that they desired Petitioner's SBP election to be changed to reflect that she declined SBP coverage and that she "received insufficient SBP information/counseling prior to [her] date of retirement, however I did not understand the program."

j. On 24 May 2025, Defense Finance and Accounting Service (DFAS) HUNT system shows that Petitioner was enrolled in SBP spouse and child coverage effective 16 March 2024 in the amount of spouse/child \$159.57/\$0.39, and Current cost \$159.96. Furthermore, Petitioner's direct remittance balance is \$1,771.48.

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 determined Petitioner was medically retired from the U.S. Navy with 7-years, 1-month, and 29-days of total active duty service. The Board found that a junior sailor would not have enough knowledge of the SBP program without in-depth training and/or assistance on the subject matter. Additionally, the

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Board concluded Petitioner's medical conditions were a contributing factor on her not fully understanding the impact of her SBP election. Therefore, 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 with proper spousal concurrence prior to transferring to the Temporary Disability Retired List effective 16 March 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.

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.

6/30/2025

