



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

[REDACTED]  
Docket No. 1534-25  
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,  
XXX-XX [REDACTED]

Ref: (a) Title 10 U.S.C. § 1552  
(b) DoD 7000.14-R FMR, Volume 7B, Chapter 43  
(c) DD Form 2656 (September 2001)

Encl: (1) DD Form 149 w/attachments  
(2) Advisory Opinion by Ph.D., Licensed Clinical Psychologist, 1 May 25  
(3) 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 show 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 11 September 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 1 July 1995, Petitioner married [REDACTED].

b. In accordance with reference (b), an election is irrevocable, except under the following circumstances:

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.

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- c. In accordance with reference (c), Section XI – SBP Spouse Concurrence (Required when member is married and elect's child(ren) only coverage, does not elect full spouse coverage, or declines coverage. The spouse MUST NOT SIGN this statement before the member makes the SBP election and signs the form.). Section XII – Certification. “[a]lso, I have been counseled that I can terminate SBP participation, with my spouse's written concurrence, within one year after the second anniversary of commencement of retired pay. However, If I exercise my option to terminate the SBP, future participation is barred.”
- d. Petitioner signed a Data for Payment of Retired Personnel (DD Form 2656) listing the following: Section IX – Survivor Benefit Plan (SBP) Election, block 26 Beneficiary Category(ies) listed I elect not to participate in SBP and do not have eligibility dependents under the plan. Section XI – SBP Spouse Concurrence, block 30 Spouse and witness signed on 5 June 2006. Section XII – Certification, block 32 Member and witness signed on 6 June 2006.
- e. Petitioner was transferred to the Temporary Disability Retirement List (TDRL) 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 28 August 2003 to 30 June 2006 due to Disability, Temporary.
- f. On 16 April 2007, Petitioner got divorced. Final Judgement for Divorce did not order SBP Former Spouse coverage.
- g. Petitioner transferred to the Permanent Disability Retired List effective 1 April 2008.
- h. On 18 September 2023, Petitioner submitted SBP cancellation request to Defense Finance and Accounting Service. Petitioner attached an invoice dated 7 July 2023 and signed a Survivor Benefit Plan (SBP) – Automatic Coverage Fact Sheet (DD Form 2656-8), reflecting she is not married and has no children. Defense Finance and Accounting Service (DFAS) stopped coverage effective 1 July 2006.
- i. In July 2025, DFAS issued Petitioner an SBP/RSFPP Premium Bill with a prior amount due of \$6,210.94, interest charge on remaining balance due of \$20.33, and amount due by 28 September 2025 of \$6,231.27.
- j. On 19 February 2025, BCNR requested Petitioner provide additional documentation regarding claims of Post Traumatic Stress Disorder and mental health conditions incurred while in service. Petitioner failed to respond.
- k. As of 4 June 2025, Petitioner's DFAS HUNT account reflected SPB premium debt of \$6,417.30.
- l. In July 2025, DFAS issued Petitioner an SBP/RSFPP Premium Bill with a prior amount due of \$6,417.30, interest charge on remaining balance due of \$21.01, and amount due by 28 July 2025 of \$6,438.31.
- m. In the advisory opinion, attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that her record

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indicates diagnosis of a mental health condition in service, as she received service connection for the condition following her separation from service.

## 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 2 years, 10 months, and 3 days of total active duty service. Petitioner elected to decline spouse coverage in SPB with spouse concurrence, however Petitioner signed after her spouse and notary. As a result, Petitioner was auto enrolled in SPB spouse coverage. The Board found that a junior sailor would not have enough knowledge of the SBP program without in-depth training on the subject matter and would have relied on her administrators to assist her with the proper completion of her retirement documents. Therefore, 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 decline participation in SBP with proper spousal concurrence prior to transferring to the TDRL effective 1 July 2006.

Note: The Defense Finance and Accounting Service 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.

9/23/2025

