



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

[REDACTED]  
Docket No. 1584-25  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]  
XXX XX [REDACTED] USMC RET

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 his naval record be corrected to reflect 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 14 August 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. 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. Reference (c) stipulates the date of the spouse's must be notarized.

b. On 20 September 2010, Petitioner entered active duty.

c. On 8 February 2015, Petitioner married [REDACTED]

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d. On 30 December 2017, Petitioner discharged with disability severance pay in the amount of \$39,992.40.

e. On 26 August 2024, Petitioner issued Notification of Class Action Review Board Decision indicating he was found unfit to perform the duties of his office, rank, military occupational specialty, or rating due to a disability. The notification approved Petitioner to be retroactively transferred to the Permanent Disability Retired List (PDRL).

f. On 6 November 2024, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel and elected not to participate in SBP with spouse's concurrence; however, spouse's signature was not notarized.

g. On 12 November 2024, Petitioner issued notification of Transfer to the Permanent Disability Retired List on 30 December 2017.

h. On 21 November 2024, Petitioner issued DD Form 215, Correction to DD Form 214, Certificate of Release or Discharge from Active Duty amending the Type of Separation to Retired vice Discharged and Narrative Reason for Separation to Disability, Permanent vice Disability, Severance Pay, Not Combat Related, IDES [Integrated Disability Evaluation System].

i. On 17 January 2025, Petitioner issued notification from Defense Finance and Accounting Service regarding his placement in the PDRL and SBP debt of \$9,464.95. As of 4 August 2025, Petitioner's SBP debt balance was \$10,713.11.

j. On 13 March 2025, Petitioner, and his 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 and completed the DD Form 2656, however, it is not on file at the Defense Finance and Accounting Service-Cleveland or was received and not valid."

## 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 was a Sergeant and medically retired from the U.S. Marine Corps with 7 years, 3 months, and 11 days of total active duty service. The Board surmised a junior Marine would not have enough knowledge of the SBP program without in-depth training on the subject matter, therefore 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 PDRL effective 31 December 2017.

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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.

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.

9/8/2025

