



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

[REDACTED]
Docket No. 1877-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USNR RET,
XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) DoD 7000.14-R

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 Reserve Component Survivor Benefit Plan (RCSBP).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 21 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, she 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), any member who is notified of their completion of the years of service required for retired pay eligibility for non-regular retirement may elect to participate in the RCSBP before the end of the 90-day period. A member who is married or has a dependent child, and who receives notice of eligibility for retired pay, after 1 January 2001, is automatically an immediate participant in RCSBP unless the member elects (with spousal concurrence, if required) not to participate or to defer the decision or delay coverage before the end of the 90-day period. RCSBP premium deductions are for the coverage provided while the member awaits the requisite age of entitlement to retired pay. RCSBP premiums are distinct from the Survivor Benefit Plan (SBP) premiums.

b. On 7 April 1986, Petitioner married spouse [REDACTED] and had one child, [REDACTED] born on 24 December 1992.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USNR RET,
XXX-XX-[REDACTED]

c. On 1 April 2005, Petitioner divorced [REDACTED]. Final Judgment of Dissolution of Marriage with Dependent or Minor Child(ren) did not order RCSBP/SBP Former Spouse coverage.

d. On 10 May 2005, Petitioner issued Notification of Eligibility (NOE) to Receive Retired Pay at Age 60 and Participate in the Reserve Component Survivor Benefit Plan (RCSBP).

e. Petitioner transferred to the Retired Reserve without pay effective 1 March 2006.

f. On 3 January 2008, Petitioner's former spouse, [REDACTED] passed away.

g. On 30 September 2023, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel and elected to decline SBP coverage. Petitioner indicated she elected Option C – RCSBP coverage (Previously elected or defaulted to immediate RCSBP Coverage).

h. On 10 October 2023, Petitioner issued Authorization to Retired Pay for Non-Regular Service effective 20 February 2024. Additionally, Navy Personnel Command (PER-912) notified Defense Finance and Accounting Service (DFAS) that they did not receive an election from Petitioner to decline participation with spouse concurrence by 8 August 2005; therefore, was automatically enrolled in RCSBP Spouse and Child coverage.

i. Petitioner transferred to the Retired Reserve with pay effective 20 February 2024 and RCSBP and SBP Spouse premium deductions began.

j. On 30 June 2025, DFAS confirmed Petitioner is enrolled in SBP Spouse coverage.

k. On 10 July 2025, PERS-912 advised the Board that due to Petitioner's divorce occurring prior to pay eligibility, SBP Spouse coverage/premiums should be void and provided a copy of Petitioner's divorce decree to DFAS.

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 desire to decline RCSBP/SBP coverage. 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 RCSBP within 90 days of receiving NOE.

This change authorizes Petitioner's election to decline participation in SBP coverage effective 20 February 2024.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USNR RET,
XXX-XX-[REDACTED]

Note: DFAS 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.

9/18/2025

