



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

[REDACTED]  
Docket No. 1922-25  
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 FMR Volume 7B, Chapter 54  
(c) DODI 1332.42, 30 Dec 20

Encl: (1) DD Form 149 w/attachments  
(2) Advisory opinion by BCNR Ph.D., Licensed Clinical Psychologist, 14 May 25<sup>1</sup>  
(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 his naval record be corrected to show Petitioner 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 31 July 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. 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. In August 2000, Petitioner married [REDACTED]. In October 2000, Petitioner's dependent child [REDACTED] was born, second dependent child [REDACTED] was born in March 2007, and third child [REDACTED] was born in January 2010.

b. On 1 May 2018, Commander, Navy Personnel Command (PERS-912) notified Petitioner that "[y]ou have completed all requirements to receive retired pay at or after age 60 under the

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<sup>1</sup> The Board requested an advisory opinion from a Licensed Clinical Psychologist because Petitioner checked "PTSD" on his application (DD Form 149). The Board determined that the advisory opinion served no purpose for the corrective action being requested, thus did not consider the advisory opinion during their decision to grant relief.

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provision of 10 U.S.C. Chapter 1223 and BUPERSINST 1001.39F. Eligibility may not be denied or revoked unless it resulted directly from fraud or misrepresentation on your part. The number of years of creditable service and the amount of retired pay, however, may be adjusted for errors” and that “[y]ou are now also entitled to participate in the RCSBP. You should access our website and read the plan information at <http://www.public.navy.mil/bupers-npc>. Once you have accessed the site, click on "Career Info" at the top of the page, then find "Reserve Personnel Management" on the left, scroll to "Reserve Retirement" and finally select "RCSBP". Enclosure (2) is your Election Certificate, which must be completed and submitted to this command (Pers-912) within 90 days of receipt of this letter, or you will be automatically enrolled with immediate spouse coverage based on your full retired pay. Your election is irrevocable except upon certain changes in dependent status.”

c. On 1 May 2018, Naval Personnel Command issued you a statement of service for Naval Reserve Retirement for the period of 25 August 1981 to 30 April 2018 that listed the following: Qualifying Years of Service: 20YR. Total Retirement Points Creditable for Pay: 5023. Date eligible for notification of eligibility (NOE) for retired pay: 29 April 2018.

d. On 30 May 2018, Commander, Navy Personnel Command (PERS-9) notified Petitioner that “[p]er 10 U.S.C. § 10154 and 10 U.S.C. § 12774(a), the Chief of Navy Personnel approved your request and authorized your transfer to Retired Reserve status effective 01 May 2018.” “Navy Personnel Command records indicate that you may be eligible to receive retirement pay prior to your 60th birthday. Notification to submit your application for retired pay will be forwarded to you approximately 10 months prior to the estimated date of eligibility. Upon your submission of application per the guidelines of BUPERSINST 1001.39F and 10 U.S.C. Chapter 1223, your retired pay benefits will be initiated in accordance with National Defense Authorization Act FY 2008. Although your pay entitlement is prior to age 60, your medical benefits will commence at age 60.”

e. On [REDACTED], Petitioner turned 60.

f. On 21 March 2025, Petitioner signed and submitted an Application for Retired Pay Benefits (DD Form 108) with the following statement: “I will accept statement of service maintained by Navy Personnel Command.”

g. On 21 March 2025, Petitioner’s Data for Payment of Retired Personnel (DD Form 2656) Section X (Survivor Benefit Plan (SBP) Election) block 35 (Reserve Component Only) listed “Option A – Previously declined to make an election until eligible to receive retired pay”/Marital status has changed since your initial election to participate in RCSBP “No” and block 36 (SBP beneficiary categories) “I elect not to participate in SBP”/I have eligible dependents under the plan “No”. Section XI (SBP certification) block 41 (Member) listed Petitioner’s and witness’s signature. Section XII (SBP spouse concurrence) listed Petitioner’s spouse and witness’s signature.

h. On 8 May 2025, Commander, Navy Personnel Command (PERS-912) notified Defense Finance and Accounting Service (DFAS), Cleveland, OH (ATTN: New Accounts) that “[p]er 10 U.S.C. Chapter 1223 and 10 U.S.C. Chapter 73, subchapters II and III, on 1 May 2018, we sent

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the subject member a Notification of Eligibility (NOE) letter to receive Retired Pay at/or beyond the age of 60 in addition to the Reserve Component Survivor Benefit Plan (RCSBP) election certificate. PERS-912 did not receive an election certificate from the member as was requested in the correspondence on the aforementioned date.”

“Per references (a) and DoD Financial Management Regulation, Volume 7B, Chapter 42, in the NOE, the member was informed of the 90 days from the date of receipt response to PERS-912 requirement. If no response is received from the member as requested the member is then automatically enrolled in the RCSBP plan. Therefore, as of 30 July 2018, the member was enrolled in an immediate RCSBP annuity for his/her spouse and child.”

i. On 8 May 2025, Commander, Navy Personnel Command (PERS-9) notified Petitioner that “[p]er 10 U.S.C. § 12731(a) the Secretary of the Navy approved your application for retired pay for nonregular service. In compliance with National Defense Authorization Act FY 2008, your effective date for pay entitlement is 5 October 2018 vice your 60th birthday. Although your pay entitlement is prior to age 60, your medical benefits will commence at age 60.”

“Per 10 U.S.C. § 12732 and 10 U.S.C. § 12733, computation of your retired pay under 10 U.S.C. § 12739 will be based on 20 years of qualifying service, 05027 retirement points and a pay entry base date of 30 April 1996.”

j. On 30 July 2025, DFAS HUNT system shows that Petitioner was enrolled in SBP spouse and child coverage effective 5 October 2018 in the amount of spouse/child \$122.38/\$0.04, RCSBP \$10.97, and Current cost \$133.39.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded that on 1 May 2018, Commander, Navy Personnel Command (PERS-912) notified Petitioner that he had completed all requirements to receive retired pay at or after age 60 and was entitled to participate in the RCSBP and that he had 90 days to make an election. No response was received from Petitioner; as a result, as of 30 July 2018, he was enrolled in an immediate RCSBP annuity for his spouse and child. On 5 October 2023, Petitioner turned 60. On 8 May 2025, PERS-9 notified Petitioner that his application for retired pay was approved and the effective date for pay entitlement is 5 October 2018 vice his 60th birthday. The Board determined that Petitioner’s late submission for retired pay did not afford him the opportunity to terminate SBP coverage during his discontinuation period. Therefore, the Board determined that under these circumstances, partial relief is warranted.

However, the Board determined that Petitioner’s request for reimbursement of RCSBP premiums is denied because Petitioner received RCSBP spouse and child coverage during the period of 30 July 2018 through 7 May 2025 and his beneficiaries would have been paid had he died.

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## RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner elected to terminate participation in SBP with proper spousal concurrence during the 25th month following the start of retired pay effective 5 October 2018.

Note: The DFAS will complete an audit of Petitioner's pay records to determine the amount of premium refund 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.

8/12/2025

