



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

[REDACTED]  
Docket No. 2413-25  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD [REDACTED] USN RET,  
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552  
(b) DoD 7000.14-R FMR Volume 7B, Chapter 43  
(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 he declined participation in the Survivor Benefit Plan (SBP).

2. The Board, consisting of [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 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. In accordance with reference (b), SBP Elections. In the case of a member electing a standard SBP annuity, the member must make such election before retired pay becomes payable, or if there is no eligible beneficiary at that time, within 1 year of acquiring an eligible beneficiary. All elections are irrevocable once the member is placed on the retired list, unless otherwise provided by law. An SBP participant may choose to voluntarily discontinue SBP participation during a 1-year period which begins on the second anniversary of the date of commencement of retired pay. The date of commencement of retired pay is defined as the date that the retiree becomes entitled to retired pay. A recall to active duty following retirement will not alter this date. Once participation is discontinued under this provision, no benefits may be paid in conjunction with the member's previous participation. No refund of any premiums collected will be made.

Subj: REVIEW OF NAVAL RECORD [REDACTED] USN RET,  
[REDACTED]

b. In accordance with reference (c), Part IV – Spouse SBP Concurrence. Required ONLY when the member is married and elects either (a) child only SBP coverage, (b) does not elect full spouse SBP coverage; or (c) declines SBP coverage. This is not required for any former spouse or former spouse and child elections. The date of the spouse's signature in Item 43.c. MUST NOT be before the date of the member's signature in Item 41 .c., or on or after the date of retirement listed in Part I, Section I, Item 4. The spouse's signature MUST be notarized. Electronic signatures are allowed.

c. On 24 June 2020, Petitioner got married [REDACTED] and gained a dependent stepchild [REDACTED] born on 26 April 2000. On 14 August 2020, Petitioner's dependent child [REDACTED] was born. On 14 June 2022, Petitioner's dependent child [REDACTED] was born.

d. Petitioner retired 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 12 July 2018 to 24 June 2024 for permanent disability.

e. Petitioner completed a Data for Payment of Retired Personnel (DD Form 2656) listing the following: "Part III (Survivor Benefit Plan), Section IX (Dependency Information), block 34e1/3 (Dependent children) disabled, Section X (Survivor Benefit Plan (SBP) Election), block 36 (SBP Beneficiary Categories) blank, block 37 (SBP Level of Coverage) blank and block 38 (Special Needs Trust) I intend to designate an SNT as beneficiary for the child or children designated as disabled in item 34, Part IV (Certification)," Petitioner signed on 14 May 2024, however witness (Personnel Clerk) signed on 29 May 2024.

f. On 12 July 2024, Defense Finance and Accounting Service notified Petitioner that "Why we are writing: We have received your DD-2656 form but cannot take action on your SBP election at this time because the election is invalid. The election was invalid due to: NO REASON SELECTED."

g. Petitioner completed a Data for Payment of Retired Personnel (DD Form 2656) listing the following: "Part III (Survivor Benefit Plan), Section IX (Dependency Information), block 34e1 (Dependent children) disabled, Section X (Survivor Benefit Plan (SBP) Election), block 36 (SBP Beneficiary Categories) I elect coverage for spouse and child(ren), block 37 (SBP Level of Coverage) I elect coverage based on full gross pay. and block 38 (Special Needs Trust) blank, Part IV (Certification)," Petitioner signed on unknown date, however, witness (mother in law) signed on 25 July 2024.

h. On 15 August 2025, Petitioner and his spouse both signed an SBP affidavit before a Notary Witness indicating that they desired Petitioner's SBP election to be changed to reflect that he declined SBP coverage and that he "received insufficient SBP information/counseling prior to [his] date of retirement."

i. As of 11 August 2025, Petitioner's direct remittance balance was \$478.81.

j. Defense Finance and Accounting Service (DFAS) HUNT system shows that Petitioner was enrolled in SBP spouse effective 25 June 2024 in the amount of spouse \$36.28, and Current cost \$36.28.

## 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 5 years, 11 months, and 13 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 on the subject matter. Additionally, the Board concluded Petitioner's medical conditions were a contributing factor on him not fully understanding the impact of his 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 Permanent Disability Retired List effective 25 June 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.

9/9/2025

