

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]

f. On 15 November 2023, Petitioner and spouse entered into Marital Agreement whereby, "Husband and Wife covenant and agree that this Agreement shall be constructed as a waiver of each party's right to share in any deferred compensation, retirement, or pension benefits, of any nature whatsoever, including any annuity or survivor benefit related thereto."

g. On 1 February 2024, Petitioner divorced [REDACTED] Final Decree of Divorce, "ADJUDGED, ORDERED AND DECREED that the Court ratify, confirm, approve and incorporate, but not merge, into this decree by reference thereto the Property Settlement Agreement between the parties dated November 15, 2023, and both parties are ordered to comply with the terms thereof". SBP Spouse coverage discontinued.

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. The Board found that a junior service member would not have enough knowledge of the SBP program without in-depth training on the subject matter and would have relied on his administrators to assist him with the proper completion of his retirement documents. 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 PDRL effective 29 August 2023.

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.

1/26/2026

