



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

[REDACTED]  
Docket No. 3085-25  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]  
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552  
(b) DoD 7000.14-R FMR Volume 7B

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 show Petitioner declined participation in the Survivor Benefit Plan (SBP).
2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 25 September 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."

"If all requirements for an election needing the spouse's concurrence have not been satisfied prior to retirement, full spouse costs and coverage will be implemented, regardless of any request by the member to do otherwise. In such cases, when the member has requested any form of child coverage, full spouse and child coverage will be implemented. Any change in SBP election subsequent to retirement will be done through an administrative correction of records as permitted by law. The requirements for spousal concurrence do not affect any obligation or right of the member to provide coverage for a former spouse. If former spouse coverage is elected or

deemed, the spouse's concurrence is not required; however, the spouse will be notified of that election."

b. On 13 May 2020, Petitioner was issued an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) with a designator code of 1390 (An Unrestricted Line Officer who is in training for duty involving flying as a pilot) in the active U.S. Navy listing block 18 (Permanent grade) ENS, block 19 (Permanent grade date) 22 May 2020, block 20 (Present Grade) ENS, and block 21 (Present grade date) 22 May 2020. Petitioner/witness signed this form on 22 May 2020.

c. On 23 May 2020, Petitioner got married [REDACTED]

d. On 12 December 2024, Petitioner signed Data for Payment of Retired Personnel (DD Form 2656) listed the following: Section X – Survivor Benefit Plan (SBP) Election; block 36a (SBP Beneficiary Categories) "I elect coverage for Spouse Only" with no dependent child(ren), and block 37a (SBP Level of Coverage) "I elect coverage based on full gross pay." Section XI – Certificate; block 41 (Member) "Digital signed by member", and block 42 (Witness) "blank."

e. 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 22 May 2020 to 30 January 2025 due to disability, permanent.

f. On 9 September 2025, Defense Finance and Accounting Service (DFAS) HUNT system shows that Petitioner was enrolled in SBP spouse coverage effective 31 January 2025 in the amount of \$134.60, and Current cost \$134.60. Furthermore, Petitioner's direct remittance balance is \$951.51.

g. On 18 September 2025, Petitioner and spouse signed SBP Affidavit before a notary witness requesting to decline SBP coverage due to receiving insufficient SBP information/counseling prior to [his] date of retirement.

## 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 4-years, 8-months, and 9-days of total active duty service. The Board found that a junior officer 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 may have been 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:

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]

Petitioner elected to decline participation in SBP with proper spousal concurrence prior to transferring to the PDRL effective 31 January 2025.

Note: 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.

11/17/2025

