



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED]
Docket No. 3644-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [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 her naval record be corrected to show Petitioner declined participation in the Survivor Benefit Plan (SBP).
2. The Board, consisting of [REDACTED], [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 4 December 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 1991, Petitioner's dependent child ([REDACTED]) was born.
 - b. In November 1995, Petitioner married first spouse ([REDACTED]) and acquired a dependent stepchild ([REDACTED]) born in November 1993.
 - c. In January 1999, Petitioner's dependent child ([REDACTED]) was born.
 - d. Petitioner was discharged 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 26 September 1994 to 31 January 2014 in order to accept commission or warrant in same branch of service.
 - e. On 23 July 2007, Petitioner divorced first spouse. Judgement of Dissolution attached the Settlement Agreement with no indication of SBP Former Spouse coverage.

f. On 19 March 2009, in the Superior Court of the State of [REDACTED] in and for the County of [REDACTED] issued a Stipulation for order to modify judgement of dissolution of marriage order thereon.

g. In July 2011, Petitioner married second spouse ([REDACTED]) and Petitioner's stepchild ([REDACTED]) was acquired.

h. In accordance with reference (b), "Spousal Concurrence. Written spousal concurrence is required when the member elects to decline coverage or provide the spouse with less than the maximum SBP coverage available, include electing child-only coverage, and when a member eligible for RCSBP declines coverage or elects coverage that provides less than a maximum immediate spouse annuity. The signature of the spouse must be notarized. The requirement to have the spouse's signature notarized is not to suggest that the spouse has received additional counseling regarding the option being selected. It simply provides certification that the spouse signed the form and acknowledges the election made on the form.

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."

i. 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."

j. Defense Finance and Accounting Service (DFAS) HUNT system shows that Petitioner was auto enrolled in SBP spouse effective 1 November 2024 in the amount of spouse \$448.37, and Current cost \$448.37.

k. On 24 June 2024, Petitioner completed a Data for Payment of Retired Personnel (DD Form 2656) listing the following: Part III (Survivor Benefit Plan), Section X (Survivor Benefit Plan (SBP) Election), block 36 (SBP Beneficiary Categories) I elect not to participate in SBP. Part IV (Certification), Petitioner signed on 24 June 2024. Part V (Spouse SBP Concurrence), Spouse signed and was notary witness on 19 April 2024.

l. 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 1 February 2014 to 31 October 2024 upon having maximum service or time in grade.

m. On 28 January 2025, Petitioner completed a Data for Payment of Retired Personnel (DD Form 2656) listing the following: Part III (Survivor Benefit Plan), Section X (Survivor Benefit Plan (SBP)

Election), block 36 (SBP Beneficiary Categories) I elect not to participate in SBP. Part IV (Certification), Petitioner signed on 28 January 2025. Part V (Spouse SBP Concurrence), Spouse signed and was notary witness on 28 January 2025.

n. On 24 September 2025, Petitioner and her spouse both signed an affidavit indicating that they desired Petitioner's SBP election to be changed to reflect that she declined SBP coverage. Petitioner indicated that she "received sufficient SBP information/counseling and completed a DD Form 2656, however, it is not on file at the Defense Finance and Accounting Service-Cleveland or was received and is invalid."

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting the following corrective action. The Board concluded Petitioner provided sufficient evidence to reflect her and spouse's desire to decline SBP coverage prior to transferring to the Retired List. Although the proper administrative requirements were not completed, the Board agreed that under this circumstance, 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 Retired List effective 1 November 2024.

Note: The 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.

12/10/2025

