



**DEPARTMENT OF THE NAVY**

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED] Docket No. 3875-25

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,  
XXX-XX-[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 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 11 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 December 2014, Petitioner married [REDACTED]. In September 2017, Petitioner's dependent child [REDACTED] was born and in July 2019 dependent child [REDACTED] was born.
  - b. 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.

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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.

c. In accordance with reference (c), Part V – 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. The date of the spouse's signature in Block 41c MUST NOT be before the date of the member's signature in Block 39c, or on or after the date of retirement listed in Part I, Section I, Block 4. The spouse's signature MUST be notarized.

d. Petitioner completed a Data for Payment of Retired Personnel (DD Form 2656) listing the following: Section X (Survivor Benefit Plan (SBP) Election), block 34g (SBP Beneficiary Categories) I elect not to participate in SBP. Part IV (Certification), Petitioner signed and witnessed on 24 May 2021. Part V (Spouse SBP Concurrence), Spouse and Notary Witness signed on 20 May 2021.

e. Petitioner was transferred to the Temporary Disability Retired List 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 11 December 2013 to 28 July 2021 for Disability, Temporary.

f. On 13 September 2023, Commander, Navy Personnel Command (PERS-954) notified Petitioner that “[i]n accordance with the provisions of Title 10, U.S. Code, Section 1210, the Secretary of the Navy has determined that your disability for which you were placed on the Temporary Disability Retired List has stabilized and that your disability is now PERMANENT and rated at Thirty (30) percent disabling. Accordingly, you will be placed on the PDRL by reason of a permanent physical disability effective 8 September 2023 in the grade of E-5.”

g. The Defense Finance and Accounting Service (DFAS) HUNT system shows that Petitioner was auto enrolled in SBP spouse effective 28 July 2021 in the amount of spouse \$25.96, and Current cost \$25.96.

h. On 1 October 2025, Petitioner and his spouse both signed an affidavit indicating that they desired Petitioner's SBP election to be changed to reflect that he declined SBP coverage.

## 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 concluded Petitioner provided

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sufficient evidence to reflect his and spouse's desire to decline SBP coverage prior to transferring to the Temporary Disability Retirement List (TDRL). However, Petitioner was auto enrolled in SBP spouse because Petitioner and his spouse signed the form on different dates. Although the proper administrative requirements were not completed, the Board determined 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 TDRL effective 29 July 2021.

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.

12/23/2025

[REDACTED]  
Deputy Director  
Signed by: [REDACTED]