



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE RD  
ARLINGTON, VA 22204

██████████  
Docket No. 4133-25  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USN RET,  
XXX-XX-██████████

Ref: (a) Title 10 U.S.C. § 1552  
(b) DoD 7000.14-R FMR Volume 7B, Chapter 43<sup>1</sup>

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 Petitioner declined participation in the Survivor Benefit Plan (SBP).

2. The Board, consisting of ██████████, ██████████ and ██████████ 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 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 October 2023 Petitioner married ██████████.

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<sup>1</sup> 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 Reserve Component Survivor Benefit Plan 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.

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b. Petitioner was transferred to the Temporary Disability Retired List (TDRL) 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 17 July 2019 to 15 October 2024 for Disability, Temporary.

c. On 6 December 2024, Department of Veterans Affairs notified Petitioner that “[t]his letter will guide you through the information you should know and steps you may take now that VA has made a decision about your benefits. Your Benefit Information: Service connection for post traumatic stress disorder and adjustment disorder (referred as adjustment disorder with mixed anxiety and depressed mood) (claimed as adjustment disorder with mixed anxiety and depressed mood; PTSD due to personal trauma and insomnia; memory loss and mental brain fog; and acute stress reaction) is granted with an evaluation of 70 percent effective October 16, 2024.”

d. On 1 April 2025, the Defense Finance and Accounting Service (DFAS) responded to the Honorable ██████████, United States Senator that “[t]his is in reply to your inquiry on behalf of Petty Officer Second Class (PO2) ██████████, U.S. Navy (Ret). Your inquiry pertains to PO2 ██████ request to cancel his SBP. The SBP was enacted to allow retired members of the Uniformed Services an opportunity to provide a portion of their retired pay to their surviving beneficiaries. On September 5, 2024, we received PO2 ██████ Data for Payment of Retired Personnel (DD Form 2656), in which he selected Spouse Only coverage. The form was signed and dated September 3, 2024. PO2 ██████ retired effective October 16, 2024. We established his SBP account with Spouse coverage, and started deducting premiums from his military retired pay effective November 1, 2024. As of December 1, 2024, PO2 ██████ SBP payment is \$132.48. Participation in SBP is generally irrevocable. However, options to withdraw are described below.

SBP Withdrawal 25 to 36 months. Public Law 105-85, Section 641, allows a military retiree to voluntarily discontinue their participation in SBP between the 25th and 36th month of their retirement. We have enclosed a SBP Termination Request (DD Form 2656-2) that he may complete and send to us using one of the methods described in the closing paragraph of this letter. He should only submit this form when he reaches his 25th month of retirement. Please note that any premiums paid before the date of withdrawal will not be refunded.”

e. On 12 October 2025, the DFAS HUNT system shows that Petitioner was enrolled in SBP spouse coverage effective 16 October 2024 in the amount of spouse \$132.48, and current cost \$132.48.

f. As of 12 October 2025, Petitioner’s direct remittance debt balance is \$1,480.91.

g. On 15 November 2025, Petitioner and his spouse signed an SBP Affidavit indicating that they desired Petitioner’s SBP election to be changed to reflect that he declined SBP coverage. Petitioner indicated that “I received insufficient SBP information/counseling prior to my date of retirement.”

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XXX-XX-[REDACTED]

## 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, 2 months, and 29 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 and/or assistance 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 TDRL effective 16 October 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.

12/23/2025

