



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

██████████
Docket No. 4291-25
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) DODFMR, Vol 7B
(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 reflect declined participation in the Survivor Benefit Plan (SBP).

2. The Board, consisting of ██████████, ██████████ and ██████████ reviewed Petitioner's allegations of error and injustice on 18 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. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. In accordance with reference (b), SBP elections must be made prior to retired pay becoming payable and the election to participate in or decline SBP is irrevocable. If not all requirements for an election needing the spouse's concurrence have been satisfied prior to retirement, for whatever reason, full spouse costs, and coverage will be implemented, regardless of any request by the member to do otherwise. Any change in SBP election subsequent to retirement will be done through an administrative correction of records as permitted by law. Reference (c) stipulates the spouse's signature must be notarized

b. On 17 September 2003, Petitioner married ██████████ and had two children, ██████████ born on 29 November ██████████, and ██████████ born on 5 March ██████████.

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c. On 16 January 2022, Petitioner completed 20 total years of qualifying service for non-regular retirement and issued Notification of Eligibility to Receive Retired Pay at or After Age 60 and Participate in the Reserve Component Survivor Benefit Plan (RCSBP) on 21 October 2022.

d. On 13 January 2023, Petitioner signed DD Form 2656-5, Reserve Component Survivor Benefit Plan (RCSBP) Election Certificate and elected Option A (Declined). Petitioner's spouse concurred with the election and her signature was properly notarized.

e. On 12 June 2024, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel and elected not to participate in SBP with spouse's concurrence on 13 June 2024; however, spouse's signature was not notarized until 16 June 2024.

f. On 27 June 2024, Petitioner transferred to the Permanent Disability Retired List (PDRL).

g. On 28 June 2024, Petitioner automatically enrolled in SBP Spouse coverage as a result of Petitioner's spouse's signature not being notarized on the same day.

h. On 7 December 2024, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel and elected not to participate in SBP with proper spousal concurrence; however, the election was after transfer to PDRL rendering the form invalid.

i. On 15 November 2025, Petitioner, and her spouse signed an SBP 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 prior to [her] retirement, however [she] did not understand the program.

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 sufficient evidence to reflect her and spouse's desire to decline SBP coverage prior to transferring to the PDRL. 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 PDRL effective 28 June 2024.

Note: The Defense Finance and Accounting Service 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.

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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.

12/30/2025

