



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

██████████  
Docket No. 4772-25

Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USN RET,  
██████████

Ref: (a) Title 10 U.S.C. § 1552

(b) DoD 7000.14-R FMR Volume 7B, Chapter 43<sup>1</sup>

(c) DD Form 2656<sup>2</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 show Petitioner declined participation in the Survivor Benefit Plan (SBP).

2. The Board, consisting of ██████████, ██████████ and ██████████ reviewed Petitioner's allegations of error and injustice on 8 January 2026 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.

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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 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.

<sup>2</sup> 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. 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.

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[REDACTED]

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 2013, Petitioner married [REDACTED]. Petitioner's dependent child [REDACTED] was born in November 2013 and dependent child [REDACTED] was born in January 2019.

b. On 10 January 2023, Petitioner was issued official retirement orders (BUPERS order: [REDACTED]), while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of March 2023. Furthermore, the following was listed: home of selection was [REDACTED], [REDACTED]. Effective date of retirement was 24 March 2023.

c. Petitioner's Data Payment of Retired Personnel (DD Form 2656) listed the following: Part III – Survivor Benefit Plan. Section X – Survivor Benefit Plan (SBP) Election. Block 36g (SBP beneficiary categories) “I elect not to participate in SBP. Part IV – Certification. Section XI – Certification. Petitioner and witness signed on 26 January 2023. 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. 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.” Petitioner's spouse and Notary Witness signed on 25 January 2023.

d. Petitioner transferred to the Temporary, Disability Retired List (TDRL) with an honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 11 April 2013 to 23 March 2023 due to Disability, Temporary.

e. In August 2024, Petitioner's dependent child [REDACTED] was born.

f. On 17 January 2025, President, Physical Evaluation Board notified Petitioner that “[a]fter a thorough review of your case and in accordance with DODI 1332.18 w/Ch. I, DODM 1332.18 Volumes 1 & 2, SECNAVINST 1850 4F, SECNAV M-1850.1, the PEB determined you are Unfit for Continued Naval Service with 70% Department of the Navy disability percentage. As a result, you will be transferred to the Permanent Disability Retired list.”

g. On 12 October 2025, Defense Finance and Accounting Service (DFAS) HUNT system listed SBP coverage Spouse and Child effective 24 March 2023. Petitioner's current cost is \$138.96 (Spouse \$138.68 and Child \$0.28) with an SPB premium debt of \$4,272.86.

h. On 20 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 he “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.”

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[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 that Petitioner signed DD Form 2656 on 26 January 2023, electing to decline SBP. Petitioner obtained his spouse's concurrence; however, Petitioner's spouse and Notary witness signed the day prior to Petitioner. The Board found that Petitioner was medically retired from the U.S. Navy and that a junior sailor would not have enough knowledge of the SBP program without in-depth training on the subject matter and would have relied on his administrators to assist him with the proper completion of his retirement documents. 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 24 March 2023.

Note: The 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.

1/14/2026

