



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

██████████
Docket No. 4827-25
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) DoD 7000.14-R FMR Volume 7B, Chapter 43¹

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 ██████████, ██████████ 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.
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 March 1990, Petitioner married ██████████ and dependent child ██████████ was born in November 1992.
 - b. Petitioner was released from active duty 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 25 May 1988 to 31 January 1993 upon completion of required service.

¹ 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. Discontinuance of SBP Participation on Second Anniversary. 7.1.1. An SBP participant may choose to voluntarily discontinue SBP participation during a 1-year period which begins on the second anniversary of the date of commencement of retired pay. The date of commencement of retired pay is defined as the date that the retiree becomes entitled to retired pay. A recall to active duty following retirement will not alter this date.

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XXX-XX-[REDACTED]

c. On 1 June 2010, Commander, Navy Personnel Command notified Petitioner that “[y]ou have completed all requirements to receive retired pay at age 60 under the provision of 10 U.S.C. 1223 and BUPERSINST 1001.39F. Eligibility may not be denied or revoked unless it resulted directly from fraud or misrepresentation on your part. The number of years of creditable service and the amount of retired pay, however, may be adjusted for errors. Statement of Service for Navy Reserve Retirement is used to document your initial eligibility. An updated Statement of Service for Navy Reserve Retirement will be provided upon your retirement or discharge. You are now also entitled to participate in the RCSBP. You should access our website and read the plan information at www.npc.navy.mil. Once you have accessed the site, click on "Career Info" at the top of the page, then find "Reserve Personnel Management" on the left, scroll to "Reserve Retirement" and finally select "RCSBP". Election Certificate (DD Form 2656-5) is your Election Certificate, which must be completed and submitted to this command (Pers-912) within 90 days of receipt of this letter. Your election is irrevocable except upon certain changes in dependent status. For further information concerning RCSBP please call 1-866- 827-5672.”

d. Petitioner signed Reserve Component Survivor Benefit Plan (RCSBP) Election Certificate (DD Form 2656-5) listing the following: Section IV – Coverage. Block 12 (Options) “Option A. I decline to make an election until age 60.” Section VIII – Member Signature. Petitioner and witness signed on 25 June 2010. Section IX – Spouse Concurrence. Petitioner’s spouse and Notary Witness signed on 29 June 2010.

e. On 16 October 2013, Commander, Navy Personnel Command (PERS-9) notified Petitioner that “[p]er 10 U.S.C. § 10154 and 10 U.S.C. § 12774(a), the Secretary of the Navy approved and authorized your request to transfer to Retired Reserve status effective 1 December 2013.”

f. 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 35 (Reserve Component Only) “Option A – Previously declined to make an election until eligible to receive retired pay.” Block 36g (SBP beneficiary categories) “I elect coverage for spouse only – I have no dependent children. Block 37 (SBP Level of Coverage)” “I elect coverage based on full gross pay.” Part IV – Certification. Section XI – Certification. Petitioner and witness signed on 10 February 2025.

g. On 27 February 2025, Commander, Navy Personnel Command (PERS-9) notified Petitioner that “[p]er 10 U.S.C. § 12731(a) the Secretary of the Navy approved your application for retired pay for nonregular service. In compliance with National Defense Authorization Act FY 2008, your effective date for pay entitlement is 1 March 2023 vice your 60th birthday. Although your pay entitlement is prior to age 60, your medical benefits will commence at age 60.”

h. On 12 October 2025, Defense Finance and Accounting Service (DFAS) HUNT system listed SBP coverage Spouse only effective 25 February 2025. Petitioner’s current cost is \$260.13 (Spouse \$260.13).

i. On [REDACTED], Petitioner turned 60.

j. On 17 December 2025, Petitioner and spouse signed SBP Affidavit before a notary witness requesting to decline SBP coverage due to receiving insufficient SBP information/counseling prior to [her] date of retirement.

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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 that on 29 June 2010, Petitioner deferred making an SBP election until she turned 60. On 10 February 2025, Petitioner elected SBP spouse coverage. The Board determined that there is no indication that Petitioner's spouse concurred to decline coverage at that time; therefore, she is ineligible to rescind her SBP election. However, on 27 February 2025, Petitioner was notified that she approved to receive retired pay effective 1 March 2023 vice 29 November 2025, her 60th birthday. Because of the retroactive effective date for pay, Petitioner was not afforded the opportunity to discontinue SBP coverage during the 25th to 36th month period after receiving retired pay. Therefore, the Board determined that under these circumstances, partial relief is warranted.

RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner elected to terminate SBP coverage with spousal concurrence within 25-36 months after receiving retired pay effective 1 March 2023.

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.

That no further changes be made to 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

