



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

██████████
Docket No. 6224-25

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

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

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 12 February 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 accordance with reference (b), SBP Elections. In the case of a member electing a standard SBP annuity, the member must make such election before retired pay becomes payable, or if there is no eligible beneficiary at that time, within 1 year of acquiring an eligible beneficiary. All elections are irrevocable once the member is placed on the retired list, unless otherwise provided by law. See paragraph 3.1.

ELECTION COVERAGE. 4.1 Spouse and/or Child. 4.1.1 . A member may elect coverage at the maximum level or at a reduced amount with spouse's concurrence, if required, for: 4.1.1.1. An eligible spouse only; 4.1.1.2. An eligible spouse and dependent child(ren); or 4.1.1.3. Dependent child(ren) only. 4.1.2. Every retiring member who is married at retirement is automatically enrolled in SBP for full coverage unless the spouse

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consents in writing to reduced coverage or no coverage before the first day of eligibility to receive retired pay.

b. In accordance with reference (c), Part V (Spouse SBP Concurrence) lists the following: 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.

c. On 17 August 2007, Petitioner married [REDACTED] and had two children: [REDACTED] born on 17 December 2009 and [REDACTED] born on 8 January 2011.

d. Petitioner's Data for Payment of Retired Personnel (DD Form 2656) listed the following: "Part III (Survivor Benefit Plan) Section IX (Dependency Information) block 31a (Spouse) [REDACTED], block 34a (Dependent Children) [REDACTED] and [REDACTED] Section X (Survivor Benefit Plan (SBP) Election) block 36 (SBP Beneficiary Categories) I elect not to participate in SBP. Part IV (Certification) Section XI (Certification) block 41c (Date signed) 18 February 2025, block 42c (Witness) 18 February 2025. Part V (Spouse SBP Concurrence) Section XII (SBP Spouse Concurrence) block 43e (Date Signed) 14 February 2025, and block 44 (Notary Witness) dated 14 February 2025."

e. Petitioner retired 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 1 August 2002 to 24 April 2025 due to Disability, Permanent.

f. Petitioner's Data for Payment of Retired Personnel (DD Form 2656) listed the following: "Part III (Survivor Benefit Plan) Section IX (Dependency Information) block 31a (Spouse) [REDACTED], block 34a (Dependent Children) [REDACTED] and [REDACTED] Section X (Survivor Benefit Plan (SBP) Election) block 36 (SBP Beneficiary Categories) I elect not to participate in SBP. Part IV (Certification) Section XI (Certification) block 41c (Date signed) 21 May 2025, block 42c (Witness) 21 May 2025. Part V (Spouse SBP Concurrence) Section XII (SBP Spouse Concurrence) block 43e (Date Signed) 21 May 2025, and block 44 (Notary Witness) dated 21 May 2025."

g. Defense Finance and Accounting Service (DFAS) HUNT system listed the following: CURR ELEC - AUTO DT 20250425, ORIG ELEC - AUTO DT 20250425, MONTHS PAID 5, COSTS SPOUSE 206.96, CURRENT COST 206.96, and CURRENT ANTNT [BLANK].

h. On 19 December 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."

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 Petitioner provided sufficient evidence that he and his spouse did not want SBP coverage and attempted to decline SBP prior to his transfer to the PDRL, however because he and his witness signed the DD Form 2656 after his spouse and her notary witness, he was automatically enrolled in spouse coverage. The Board agreed that Petitioner was medically retired from the U.S. Navy and would have reasonably relied on his administrators to assist him with the proper completion of his retirement documents. The Board determined that without being an SBP administrator, Petitioner would not have enough knowledge of the SBP program without in-depth training on the subject matter. Therefore, 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 25 April 2025.

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.

2/18/2026

