



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

██████████
Docket No. 6868-25
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 54
(c) Title 10 U.S.C. § 12731

Encl: (1) DD Form 149 w/attachments
(3) 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 Reserve Component Survivor Benefits Plan (RCSBP).

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 26 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 Petitioner'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. On 31 August 1991, Petitioner married first spouse, [██████████]. On ██████████, Petitioner's dependent child [██████████] was born. On ██████████, Petitioner's dependent child [██████████] was born. On ██████████, Petitioner's dependent child [██████████] was born. On ██████████, Petitioner's dependent child [██████████] was born.

b. On 26 July 2011, Petitioner and spouse entered into a Property Settlement Agreement indicating: "11. [Petitioner] and [spouse] agree that if [Petitioner] chooses to complete 20 or more qualifying years of service with the Navy Reserve, [spouse] will waive any right to [Petitioner's] Navy retirement and that [Petitioner] will be the sole and separate owner of his Navy retirement proceeds."

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c. On 20 April 2012, Petitioner divorced first spouse. The Final Order did not direct SBP Former Spouse coverage.

d. On 9 May 2012, Petitioner and former spouse entered into a Qualified Domestic Relations Order regarding Thrift Savings Plan.

e. On 14 July 2014, Petitioner married current spouse, [REDACTED] and acquired a stepchild, [REDACTED] born on [REDACTED].

f. In accordance with reference (b), "2.13 Reserve Component Premium. When a Reserve member participates in the RCSBP after first becoming eligible based on 20 qualifying years of satisfactory service, coverage for the member's survivors commences but premiums are not paid until the member first becomes actually entitled to retired pay (usually age 60)."

"4.0 Election to Participate. 4.1 90-Day Period. Any member who is notified of his or her completion of the years of service required for retired pay eligibility for non-regular retirement may elect to participate in RCSBP before the end of the 90-day period. A member who is married or has a dependent child, and who receives notice of eligibility for retired pay, after January 1, 2001, is automatically an immediate participant in RCSBP unless the member elects (with spousal concurrence, if required) not to participate or to defer the decision or delay coverage before the end of the 90-day period..."

g. On 5 October 2021, Commander, Navy Personnel Command (PERS-912) notified Petitioner that, "[y]ou have completed all requirements to receive retired pay at or after age 60 under the provision of 10 U.S.C. Chapter 1223 and BUPERSINST 1001.39F. Per MILPERSMAN 1820-040, eligibility may not be denied or revoked unless it resulted directly from fraud or misrepresentation on your part. NAVPERSCOM (PERS-912) will make corrections to accurately reflect points earned. 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 Reserve Component-Survivor Benefit Plan (RC-SBP).

Election Certificate (DD Form 2656-5) is your Election Certificate. Per DoD Instruction 1332.42 it must be completed and submitted to this command (PERS-912) within 90 days of receipt of this letter or you will be automatically enrolled with immediate spouse coverage, if applicable, based on your full retired pay with the premiums deducted at commencement of receiving retirement pay. Your election is irrevocable except upon certain changes in dependent status."

h. Petitioner's Statement of Service for Navy Reserve Retirement issued on 5 October 2021 for the period of 3 October 2000 to 2 October 2020 listed the following: Qualifying Years of Service: 20yr 00m 00d. Total Retirement Points Creditable for Pay: 3017. Date Eligible for Notification of Eligibility (NOE) For Retired Pay: 2 October 2020.

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i. Petitioner's Reserve Component Survivor Benefit Plan (RCSBP) Election Certificate (DD Form 2656-5) signed on 25 October 2021 listed the following: Section III – Spouse/Dependent Child(ren) Information. Block 9a (Spouse's Name) "M.O.M." Section IV – Coverage. Block 12 (Options) "Option A". Section VIII – Member Signature. Block 18 (Date Signed) "25 October 2021". Section IX – Spouse Concurrence. Block 20b (Date Signed) "25 October 2021".

j. On 18 August 2023, Commander, Navy Personnel Command notified Petitioner that, "[p]er 10 U.S.C. §14509 and §14515, Navy Reserve officers must retire, if qualified, or be honorably discharged on the last day of the month in which they reach age 62. However, 10 U.S.C. §12308 and FY-23/24 Navy Reserve Officer Retention and Continuation Plan require officers who have qualified for retired pay to request and be authorized retention to remain in the Navy Reserve past age 60. A review of our records reveals that you will reach age 60 on 3 April 2024 and that you have qualified for retired pay. Accordingly, you may request retirement (with pay), or you may request retention past age 60."

k. On 16 May 2024, Commander, Navy Personnel Command (PERS-91) notified Petitioner that, "[p]er 10 U.S.C. Chapters 1407 and 1409 and FY-23/24 Navy Reserve Officer Retention and Continuation Policy, you are authorized retention in an active status of the Navy Reserve until 30 April 2026."

l. Petitioner's Data for Payment of Retired Personnel (DD Form 2656) signed on 17 June 2025 listed the following: Part III – Survivor Benefit Plan. Section IX – Dependency Information. Block 31 (Spouse) "M.O.M." 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 36 (SBP Beneficiary Categories) "I elect not to participate in SBP." Block 40a (Former Spouse Information - name) "[REDACTED]". Part IV – Certificate. Section XI – Certificate. Block 41c (Member – Date Signed) "17 June 2025." Part V – Spouse SBP Concurrence. Section XII – SBP Spouse Concurrence. Block 43e (Date Signed) "17 June 2025."

m. On 27 June 2025, Petitioner and his spouse both 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."

n. On 9 September 2025, Commander, Navy Personnel Command (PERS-912) notified Defense Finance and Accounting Service that, "[p]er 10 U.S.C. Chapter 1223 and 10 U.S.C. Chapter 73, subchapters II and III, on 5 October 2021, we sent the subject member a Notification of Eligibility (NOE) letter to receive Retired Pay at/or beyond the age of 60 in addition to the Reserve Component-Survivor Benefit Plan (RC-SBP) election certificate. PERS-912 did not receive an election certificate from the member as was requested in the correspondence on the aforementioned date.

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Per 10 U.S.C. Chapter 1223, 10 U.S.C. Chapter 73, subchapters II and III, and DoD Financial Management Regulation, Volume 7B. Chapter 42 in the NOE, the member was informed of the 90 days from the date of receipt response to PERS-912 requirement. If no response is received from the member as requested the member is then automatically enrolled in the RC-SBP plan. Therefore, as of 3 January 2022, the member was enrolled in an immediate RC-SBP annuity for his/her spouse and child.”

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 his and spouse’s desire to decline participation in RCSBP within 90-days of receiving the NOE to Receive Retired Pay at Age 60 and Participate in the RCSBP. 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 RCSBP with spousal concurrence within 90 days of being issued NOE to Receive Retired Pay at Age 60 and Participate in the RCSBP on [REDACTED].

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.

3/6/2026

[REDACTED]