



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

██████████
Docket No. 8509-25
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) DoDFMR, Vol 7B

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 26 March 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. 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.

b. On 9 December 2003, Petitioner entered active duty.

c. On 6 December 2006, Petitioner's first child, ██████████ born.

d. On 8 January 2008, Petitioner married spouse, ██████████ and his second child, ██████████ was born on 17 October 2012.

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e. On 4 May 2024, Petitioner signed DD Form 2656, Data for Payment of Retired Personnel and elected not to participate in SBP Spouse coverage with notarized spousal concurrence. The Petitioner's witness signed the form on 5 May 2024 but amended the date to 4 May 2024.

f. On 7 August 2024, Petitioner divorced spouse, [REDACTED]. Final Decree A Vinculo Matrimonii did not order SBP Former Spouse coverage.

g. On 31 October 2024, Petitioner transferred to the Fleet Reserve, and automatically enrolled in SBP Spouse coverage effective 1 November 2024.

h. Subsequent to retirement, Petitioner issued notification indicating, "DFAS [Defense Finance and Accounting Service cannot accept your original altered form to process the declination of SBP by submitting your DD2656 altered after the date of retirement due to the first submission being invalid for no spousal concurrence prior to our [your] retirement date."

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 was married at the time he elected not to participate in SBP coverage but failed to receive his spouse's notarized concurrence in accordance with reference (b). Subsequently, Petitioner's divorce became effective prior to date of retirement, and Final Decree A Vinculo Matrimonii did not order SBP Former Spouse coverage. Therefore, Petitioner did not have an eligible SBP Spouse beneficiary at the time of his transfer to the Fleet Reserve. The Board determined that under these circumstance, relief if warranted.

RECOMMENDATION

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

Petitioner elected to decline participation in SBP prior to transferring to the Fleet Reserve effective 1 November 2024.

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

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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.

4/25/2026

