



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

[REDACTED]
Docket No. 9247-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN RET,
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) DoD 7000.14-R FMR Volume 7B, Chapter 43

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

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 9 April 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 3 August 2018, Petitioner married first spouse, [REDACTED].]. On 20 May 2019, Petitioner's dependent child [REDACTED].] was born.

b. In accordance with reference (b), 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.

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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.

c. Petitioner transferred to the Temporary Disability Retired List 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 18 August 2017 to 28 July 2020 due to Disability, Temporary.

d. On 27 October 2023, Commander, Navy Personnel Command (PERS-954) notified Petitioner that "[i]n accordance with the provisions of Title 10, U. S. Code, Section 1210, the Secretary' of the Navy has determined that your disability for which you were placed on the Temporary' Disability Retired List has stabilized and that your disability is now PERMANENT and rated at Fifty (50) percent disabling. Accordingly, you will be placed on the PDRL by reason of a permanent physical disability' effective 29 July 2023 in the grade of O-2."

e. On 12 June 2024, Petitioner divorced first spouse, [REDACTED]. Judgement of Dissolution did not order SBP Former Spouse coverage.

f. On 16 August 2024, Petitioner married second spouse [REDACTED].

g. On 18 October 2025, Defense Finance and Accounting Service (DFAS) HUNT system listed the following: Current Election – Spouse and child on 29 July 2020. Original Election – Spouse and child on 29 July 2020. Costs – Spouse \$134.61. Child \$0.02. Current Cost \$134.63. Current Balance \$9,159.62.

h. On 12 March 2026, Petitioner and his spouse both signed an affidavit indicating that they desired Petitioner's SBP election to be changed to reflect that he declined SBP coverage. Petitioner indicated that [he] received insufficient SBP information/counseling prior to [his] date of retirement.

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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 concluded 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 to make an informed election. 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 Temporary Disability Retired List effective 29 July 2020.

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.

4/17/2026

