



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

██████████
Docket No. 9249-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████
██████████ USMC RET

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 her naval record be corrected to reflect Petitioner declined participation in the Survivor Benefit Plan (SBP).

2. The Board, consisting of ██████████, ██████████, and ██████████ 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 7 August 2013, Petitioner married spouse, [██████████].

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.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]

[REDACTED] USMC RET

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's Data for Payment of Retired Personnel (DD Form 2656) listed the following: Section X Survivor Benefit Plan (SBP) Election. Block 34 (Beneficiary Category) blank. Part IV – Certification. Section XI - Certification. Block 39 (Member). Block 30c (Date Signed) 13 August 2018. Part V – Spouse SBP Concurrence “Required ONLY when the member Is married and elects either (a) child only sap coverage, (b) does not elect full spouse SBP coverage; or (c) declines SBP coverage. The date of the spouse's signature in Block 41c MUST NOT be before the date of the member's signature in Block 39c, or on or alter the date of retirement listed in Part I, Section I, Stock 4. The spouse's signature MUST be notarized.” Section XII SBP Spouse Concurrence. Block 41 (Spouse). Block 32c (Date Signed) 13 August 2018.

d. 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 22 October 2012 to 29 September 2018 due to Disability, Permanent IDES.

e. On 25 November 2023, Petitioner's dependent child, [REDACTED] was born.

f. On 18 October 2025, Defense Finance and Accounting Service (DFAS) HUNT system listed the following: Current Election – Automatic on 30 September 2018. Original Election – Automatic on 30 September 2018. Costs – Spouse \$47.46. Current Cost \$47.46. Current Balance \$4,310.10.

g. On 30 December 2025, Petitioner and her 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 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 not 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 and her spouse signed DD Form 2656 on 13 August 2018, prior to her retirement. Although proper spousal concurrence with notary signature was obtained, the form listed no actual election for SBP, therefore, her form is invalid. However, in accordance with reference (b), "[w]ritten 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 Board agreed that since Petitioner obtained notarized spousal concurrence, that it is reasonable to assume that they both intended to decline coverage. 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 Permanent Disability Retired List effective 30 September 2018.

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

