



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

██████████
Docket No. 10037-25
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

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

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 23 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. 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 consents in writing to reduced coverage or no coverage before the first day of eligibility to receive retired pay.

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

- b. On 15 April 2016, Petitioner's first child, [REDACTED] was born.
- c. On 18 August 2016, Petitioner married spouse, [REDACTED] and thereafter, her second child, [REDACTED] was born on 15 April 2019.
- 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 29 (Spouse) [REDACTED] Section X (Survivor Benefit Plan (SBP) Election). Block 34 (SBP Beneficiary Categories) I elect coverage for spouse and child(ren), Block 35 (SBP level of coverage) I elect coverage based on full gross pay. Part IV (Certification). Section XI (Certification). Block 39c (Date signed) 29 June 2021, and Block 40c (Date Signed) 30 June 2021. Part V (Spouse SBP Concurrence). Section XII (SBP Spouse Concurrence). Block 41c (Date Signed) blank, and Block 42 (Notary Witness) dated blank.
- e. Petitioner was 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 14 August 2013 to 28 July 2021 due disability, temporary.
- f. On 8 December 2023, Petitioner received Veterans Affairs 100% combined service-connected disability rating.
- g. 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 16 May 2024 in the grade of E-5."
- h. Defense Finance and Accounting Service (DFAS) issued Petitioner an SBP/RSFPP-Premium Bill in August 2025 indicating amount due on 28 August 2025 of \$4,419.38.
- i. On 26 February 2026, Petitioner and her spouse both signed an affidavit indicating that they desired Petitioner's SBP election to be changed to reflect that she declined SBP coverage. Petitioner indicated that [she] received insufficient SBP information/counseling prior to [her] date of retirement.
- j. As of 28 March 2026, DFAS HUNT system listed the following: CURR ELEC – SPS & CHD DT 20210729, ORIG ELEC - AUTO DT 20210729, MONTHS PAID 56, COSTS SPOUSE 99.01, CHILD 0.02, CURRENT COST 99.03, and CURRENT ANTNT [T], MICHAEL L. DEBT CURRENT TOTAL 5,234.53.

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 her administrators to

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

assist her with the proper completion of her 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 2021.

Note: The DFAS 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.

5/8/2026

