



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

██████████
Docket No. 11408-25
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) DoD 7000.14-R FMR, Volume 7B, Chapter 43
(c) DD Form 2656

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

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 21 May 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 Subject'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."

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b. In accordance with reference (c), Part V (Spouse SBP Concurrence) lists the following: “Required ONLY when the member is married and elects either: (a) child only SBP coverage, (b) does not elect full spouse SBP coverage; or (c) declines SBP coverage. This is not required for any former spouse or former spouse and child elections. The date of the spouse's signature in Item 43.c. MUST NOT be before the date of the member's signature in Item 41.c., or on or after the date of retirement listed in Part I, Section I, Item 4. The spouse's signature MUST be notarized. Electronic signatures are allowed.”

c. On 3 April 2007, Petitioner married first spouse, [REDACTED].

d. On 11 July 2013, Petitioner divorced first spouse, [REDACTED]. Final Judgement Action for Divorce did not order SBP Former Spouse coverage.

e. On 30 May 2014, Petitioner's first child, [REDACTED] was born.

f. On 30 July 2016, Petitioner married second spouse, [REDACTED]. Petitioner's second child, [REDACTED] was born on 18 August 2017.

g. 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 14 September 2009 to 28 July 2021 due to Disability, Temporary.

h. On 13 April 2022, Petitioner notified Mid-Atlantic Regional Maintenance Center that “I medically retired on the 28th of July 2021. Yesterday I received a bill for SBP. And I did not sign up for this service. I just got off the phone with DFAS, and they said that my DD-2556 was not sent in with my retire orders and this is why I am being requested to pay this bill. They informed me that your office should have send it in but didn't. Can you look into this and see that this is corrected please?”

i. On 13 April 2022, Mid-Atlantic Regional Maintenance Center notified Petitioner that “My office doesn't send this. It is PSD that forwards the SBP. I will forward this to PSD. What I don't understand is why it took them 9 months to do this...”

j. On 12 April 2025, Petitioner and second spouse, [REDACTED] entered into Stipulation and Property Settlement Agreement. The agreement specified the following: “Wife waives any and all claims against Husband for spousal support, temporary or permanent, periodic or lump sum. Husband waives any and all claims against Wife for spousal support, temporary or permanent, periodic or lump sum.

There are no joint retirement or investment accounts subject to equitable distribution. Wife shall have exclusive use, possession, and ownership of all retirement accounts, investment accounts, and pensions in her name. Husband shall have exclusive use, possession, and ownership of all retirement accounts, investment accounts, and pensions in his name.”

k. On 24 October 2025, Petitioner divorced second spouse, [REDACTED]. Decree of Divorce A [REDACTED] did not order SBP Former Spouse coverage.

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1. Defense Finance and Accounting Service (DFAS) HUNT system listed the following: CURR ELEC - AUTO DT 20210728, ORIG ELEC - AUTO DT 20210728, MONTHS PAID 56, COSTS SPOUSE 201.79, CURRENT COST 201.79, and CURRENT ANTNT "blank". Furthermore, CURR BAL 11,520.27.

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 assist her with the proper completion of her retirement documents. The Board determined that due to administrative oversight, Petitioner's Data for Payment of Retired Personnel (DD Form 2656) was not sent to DFAS as required prior to her transfer to the TDRL. 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 TDRL effective 29 July 2021.

Note: 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.

6/15/2026

