



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S COURTHOUSE RD SUITE 1001
ARLINGTON VA 22204-2490

BAN
Docket No. NR06073-13
15 April 2014

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

Subj: [REDACTED]
[REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) Headquarters United States Marine Corps (HQMC) memo
1741 MMSR-6K of 28 Oct 2013
(3) Subject's naval record

1. Pursuant to the provisions of reference (a) Petitioner filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show a declination of Survivor Benefit Plan coverage.

2. The Board, consisting of Messrs. Zsalman, Exnicios and George, reviewed Petitioner's allegations of error and injustice on 7 April 2014 and, pursuant to its regulations, determined that the partial corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, 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, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that Petitioner's request warrants partial relief as described below.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following partial corrective action.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, as follows:

a. Petitioner was auto-enrolled in the Survivor Benefit Plan (SBP) "spouse and child" category of coverage prior to his retirement date of 1 October 2008.

b. Petitioner made a timely written request to terminate SBP coverage within the 25-36 month timeframe on 1 November 2010.

c. Petitioner is entitled to a refund for SBP premiums paid from the date of his termination request to present.

d. That so much of Petitioner's request for corrective action as exceeds the foregoing be denied for the following reason: Petitioner's spouse was covered under SBP from the time of his retirement to the date he terminated coverage.

e. A copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that 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 entitled matter.

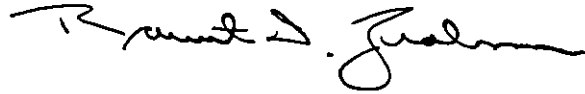
ROBERT D. ZSALMAN
Recorder


BRONTE I. MONTGOMERY
Acting Recorder

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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

15 April 2014

A handwritten signature in black ink, appearing to read "Robert D. Zsalmán". The signature is fluid and cursive, with a prominent initial "R" and a long, sweeping underline.

ROBERT D. ZSALMAN
Acting Executive Director