



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

DJC  
Docket No. NR7171-13  
18 Apr 14

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

Subj: [REDACTED]

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

Encl: (1) DD Form 149 w/attachments  
(2) HQMC memo 1741 MMSR-6K dtd 25 Nov 13  
(3) Subject's naval record

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

2. The Board, consisting of Mr. Zsalman, Mr. George, and Mr. Exnicios, reviewed Petitioner's allegations of error and injustice on 7 January 2014 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, 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 the request has merit and warrants favorable action.

#### 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, to show that:


a. Petitioner submitted a properly completed and timely DD Form 2656-2, Survivor Benefit Plan (SBP) Termination Request, asking that his SBP spouse coverage be terminated. His request was received and processed by cognizant authority and became effective 30 April 2011.

b. That part of the Petitioner's request for corrective action that exceeds the foregoing is denied. Records show that the Petitioner was automatically enrolled in SBP spouse coverage as a result of the Defense Finance and Accounting Service (DFAS) not receiving a valid election prior to his date of retirement. In this case, the Petitioner's spouse has been protected under the SBP since his date of retirement and would have received an SBP annuity based if he had died since his date of retirement.

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

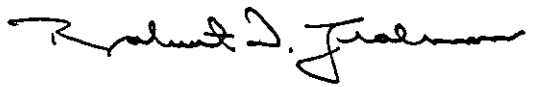
4. It is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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.

18 Apr 14

  
ROBERT D. ZSALMAN  
Acting Executive Director