

**DEPARTMENT OF HOMELAND SECURITY  
BOARD FOR CORRECTION OF MILITARY RECORDS**

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Application for the Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2002-148**

XXXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXXX

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**FINAL DECISION**

This proceeding was conducted according to the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The BCMR docketed the applicant's request for correction on July 26, 2002.

This final decision, dated April 8, 2003, is signed by the three duly appointed members who were designated to serve as the Board in this case.

**APPLICANT'S REQUEST AND ALLEGATIONS**

The applicant asked the Board to approve backdating his wife's dental insurance coverage. He stated that he had completed the paperwork to have her covered by United Concordia but that the company lost the paperwork when transferring paper records to a computer database. He stated that he submitted the enrollment form on December 4, 2000, and that the company had agreed to backdate the enrollment pending a decision by this Board.

**SUMMARY OF THE RECORD**

On September 29, 1998, the applicant enlisted in the Coast Guard. He was not married at the time.

On December 4, 2000, the applicant completed and signed a DD Form 2494-1, entitled "TriCare—Active Duty Family Member Dental Plan (FMDP) Enrollment Election," to enroll his new wife in the plan. The form was also signed twice by a "witnessing official" on the same day. The form shows that the applicant authorized payroll deductions to be made from his basic pay for the cost of the coverage. In addition, the form notes that "changes in family size

from one to two or more eligible family members (*or the reverse*) will result in an automatic change in enrollment status and an automatic change in premium.”

On December 19, 2000, the applicant signed a “United Concordia TriCare Dental Program Enrollment/Change Form” to enroll his wife in the program and authorize monthly deductions of the premiums from his basic pay. The form also states the following:

I understand that enrollment is subject to verification of eligibility and receipt of one month’s premium payment. For applications received by the 20th of each month, coverage will become effective the first day of the next month. For applications received after the 20th day of the month, coverage may not become effective until the first day of the second month.

The applicant continued to serve on active duty until September 28, 2002, at which time he was released into the Selected Reserve.

### **VIEWS OF THE COAST GUARD**

On December 13, 2002, the Chief Counsel of the Coast Guard recommended that the Board grant relief. The advisory opinion of the Chief Counsel included a memorandum on the facts of the case and a certification prepared by the Coast Guard Personnel Command (CGPC). A copy of the certification is attached to this final decision below.

In the memorandum, CGPC stated that a United Concordia, TriCare Dental Program (TDP) Enrollment Form dated December 19, 2000, shows that the applicant signed it to enroll his wife in the TDP. The form, however, stated that her enrollment was subject to the company’s verification of her eligibility and receipt of one month’s premium payment.

CGPC stated that if the applicant had successfully enrolled his wife, her coverage would have begun on January 1, 2001, and the premiums would have been deducted from the applicant’s pay. However, because the paperwork was lost, she was not enrolled and no premiums were deducted. CGPC stated that the applicant apparently failed to notice this fact on his Leave and Earning Statements.

### **APPLICANT’S RESPONSE TO THE VIEWS OF THE COAST GUARD**

On December 23, 2002, the BCMR sent the applicant a copy of the views of the Coast Guard and invited him to respond. No response was received.

### **FINDINGS AND CONCLUSIONS**

The Board makes the following findings and conclusions on the basis of the applicant's military record and submissions, the Coast Guard's submissions, and applicable law:

1. The Board has jurisdiction over this matter pursuant to the provisions of 10 U.S.C. § 1552. The application was timely.

2. The Board agrees with the Chief Counsel of the Coast Guard and the Commander of the Coast Guard Personnel Command that the preponderance of the evidence in the record indicates that by December 19, 2000, the applicant properly completed, signed, and submitted all paperwork necessary to enroll his wife in United Concordia's TriCare Dental Program (TDP). The Coast Guard has certified these facts (see attachment).

3. The record indicates that the applicant's wife was eligible for the TDP and that, if the paperwork had not been lost, she would have been enrolled as of January 1, 2001, and her dental expenses would have been covered by the TDP.

4. Although the applicant failed to notice the lack of an increase, attributable to his wife's enrollment in the TDP, in the deduction for his insurance premium from his basic pay, the Board finds that but for the loss of the paperwork, the proper deductions would have been made and his wife would have been enrolled in the TDP. Therefore, the applicant has proved by a preponderance of the evidence that his record contains an injustice in that his wife's enrollment in the TDP was not completed and the premiums were not deducted from his pay.

5. According to the applicant, United Concordia has agreed to provide coverage based upon a positive decision of this Board. The Board's jurisdiction under 10 U.S.C. § 1552 covers any military personnel record but does not extend to the records of private companies like United Concordia. However, in light of the evidence in the record and the Coast Guard's certification, the Board finds that, if United Concordia is willing to backdate the applicant's wife's enrollment to January 1, 2001, the Coast Guard should correct its records to show that the enrollment was completed and should recoup the amount from the applicant that would have been deducted for premiums for his wife's coverage under the TDP from January 1, 2001, until the date of his discharge.

6. Accordingly, relief should be granted.

**[ORDER AND SIGNATURES ON FOLLOWING PAGE]**

**ORDER**

The application of xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx, USCG, for correction of his military record is granted as follows:

The Coast Guard shall ask United Concordia Dental Insurance Company to accept the attached certification and to provide coverage under the TDP for the applicant's wife from January 1, 2001, until his discharge on September 28, 2002, and to process her claims from that period. If United Concordia agrees to do so, the Coast Guard shall (1) correct its records to show that she was properly enrolled, (2) recoup from the applicant the amount that would have been deducted from his pay for the premiums for his wife's coverage under the TDP from January 1, 2001, until his discharge on September 28, 2002, and (3) pay United Concordia for the coverage.

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James K. Augustine

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Quang Nguyen

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Dorothy J. Ulmer



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## MEMORANDUM

From G. W. PALMER  
: CGPC-c

Reply ENS Crespo  
to 7-6969  
Attn of:

To: Commandant  
(G-LMJ)

Subj: PROGRAM INPUT ON CGBCMR APPLICATION (xxxxxxx)

Ref: (a) CGBCMR Application 2002-148

1. Comments on the application contained in reference (a) are attached as enclosure (1).
2. I recommend relief be granted and that United Concordia Dental Insurance Company be requested to accept this certification as the basis to accept Applicant's enrollment in the TRICARE Dental Program and process payment of his spouse's claims. The Coast Guard hereby certifies that the Applicant properly prepared and submitted an application to enroll his spouse in the Active Duty Family Member Dental Plan (FMDP) in December, 2000. The Applicant's coverage under this program should be made effective retroactive to January 1, 2001, pending submission by Applicant of unpaid premiums United Concordia Insurance Company.

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Enclosures (1) Comments concerning CGBCMR Application 2002-148  
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## **Enclosure 1 - CGBCMR 2002-148**

### **RELIEF REQUESTED BY APPLICANT:**

1. The Applicant requests backdating his wife's dental coverage due to paperwork being lost by United Concordia.

### **APPLICANT'S STATED BASIS FOR RELIEF:**

1. The Applicant alleges that enrollment paperwork was submitted December 4, 2000, and was lost by United Concordia Insurance Company when their records were transferred to electronic format. The Applicant asserts that the insurance company has advised him that if the Coast Guard will state that he made appropriate application to enroll in the program that they would accept his claims.

### **MATTERS OF RECORD:**

1. The application is timely.
2. September 22, 1998: Applicant enlisted in the U.S. Coast Guard.
3. December 19, 2000: Per United Concordia, Tricare Dental Program (TDP) Enrollment Form, Applicant enrolled spouse to the TDP. Section G of the form signed by the Applicant states "I understand that enrollment is subject to verification of eligibility and receipt of one month's premium payment."
4. Per TDP Benefit Booklet "Coverage is effective the first day of the month after the month in which a sponsor enrolls and one month's premium payment is received." For evidence of coverage each enrolled member receives a TDP Identification Card that should be presented at each dental office visit.
5. The Applicant separated from the regular Coast Guard in September, 2002 and is now serving in the Selected Reserve. A review of his record indicates that monthly dental insurance premiums were never deducted from his active duty payments.

### **CONCLUSIONS:**

1. The Applicant's dependant got dental service without confirmation from United Concordia that the coverage was in effect. Applicant did not receive a TDP Identification Card, and did not check the Leave and Earning Statement (LES) to make sure payment of the premium was being deducted from his pay.
2. While there is no error or injustice by the Coast Guard, and it appears that the Applicant failed to verify his spouse's enrollment in a timely manner, we can verify that his record indicates he made appropriate application to enroll his spouse.

### **RECOMMENDATION:**

1. I recommend relief be granted and that United Concordia Dental Insurance Company be requested to accept this certification as the basis to accept Applicant's enrollment in the TRICARE Dental Program and process payment of his spouse's claims. The Coast Guard hereby certifies that the Applicant properly prepared and submitted an application to enroll his spouse in the Active Duty Family Member Dental Plan (FMDP) in December, 2000. The Applicant's coverage under this program should be made effective retroactive to January 1, 2001, pending submission by Applicant of unpaid premiums United Concordia Insurance Company.