



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

MEH:ddj
Docket No: 148-99
13 April 1999

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 April 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum of 18 March 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000

18 Mar 99

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS (BCNR)

Via: Assistant for BCNR Matters (NPC-00ZCB)

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED]

Ref: (a) BCNR memo Pay of 11 Feb 99
(b) General Accounting Office (GAO) Act of 1974

1. Per reference (a), recommend the BCNR not correct SCPO [REDACTED] record to reflect that he is to be reimbursed for Survivor Benefit Plan (SBP) premiums paid for spouse coverage since his first divorce in 1982.

2. This recommendation is based on the following:

a. [REDACTED] transferred to the Fleet Reserve List on 29 September 1975 and the Retired List on 1 August 1983.

b. [REDACTED] effective SBP enrollment date was 29 September 1975.

c. [REDACTED] were divorced in 1982.

3. Per reference (b), the Barring Act of 9 October 1940, as amended by the GAO of 1974 (31 U.S.C. 71a), bars claims against the federal government that are not received by GAO within six years of the date such claims accrued.

4. Per enclosure (1), information on what to do when divorced has been available to SCPO [REDACTED] repeatedly via the Shift Colors. Additionally, he receives a Retired Account Statement from the Defense Finance and Accounting Service - Cleveland (DFAS-CL) showing his retired pay and how it is distributed.

5. [REDACTED] has been reimbursed the allowable SBP premiums by DFAS-CL.

[REDACTED]
Assistant Head,
Retired Activities Branch
(NPC-622)