



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

JLP:tj
Docket No: 1648-99
10 August 1999

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

Subj: [REDACTED], USN, [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 w/attachments
(2) BUPERS Memorandum 5420 Ser N133D/99348 of 6 July 1999
(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 that he had at least 14 months of active service beyond his prior EAOS to establish entitlement to Continuous Submarine Pay (CONSUB).

2. The Board, consisting of Messrs. Dunn, Swarens, and Ms. Hare, reviewed Petitioner's allegations of error and injustice on 3 August 1999 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 corrective action.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that the 13 month extension was executed on 7 August 1997 vice on or about 30 June 1999 to establish CONSUB Pay entitlement effective 7 August 1997.

a. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

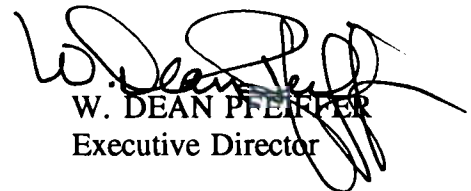
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


G. L. ADAMS
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.

10 August 1999


W. DEAN PFEFFER
Executive Director



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

15 Jul 99

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

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

Subj: COMMENTS AND RECOMMENDATION ICO CPO [REDACTED],
USN(RET.) (DECEASED), DOCKET NO. 03275-99

Ref: (a) BCNR memo Pay of 23 Feb 99

1. Per reference (a), recommend the BCNR not correct Chief [REDACTED] record to reflect that he enrolled in the Survivor Benefit Plan (SBP) prior to transferring to Fleet Reserve on 1 November 1976.

2. This recommendation is based on the following:

a. Chief [REDACTED] transferred to the Fleet Reserve on 1 November 1976 and to the Retired List on 1 August 1986. He declined participation in SBP when he transferred to the Fleet Reserve.

b. Chief [REDACTED] divorced after he retired. He married [REDACTED] in October 1998. Chief [REDACTED] died on 29 December 1998.

3. The survivor plan available to Chief [REDACTED] when he transferred to the Fleet Reserve was the Survivor Benefit Plan (SBP). SBP is a voluntary, contributory program that requires a retiree to forfeit a small portion of their retired pay in order to provide an annuity to survivors after their death. Chief [REDACTED] did not enroll in SBP, choosing instead to receive his full retired pay. There was no requirement to notify spouses that a member declined to participate. There were opportunities for Chief [REDACTED] to enroll in SBP during the 1 October 1981 to 30 September 1982 and 1 April 1992 to 31 March 1993 open seasons. He did not enroll.

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