



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

MEH:tj  
Docket No: 4656-99  
24 August 1999

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

**REVIEW OF NAVAL RECORD**

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

Encl: (1) DD Form 149 w/attachments  
(2) Series of Documents  
(3) Subject's naval record

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

2. The Board, consisting of Messrs. Leeman, Milner, and Pfeiffer, reviewed Petitioner's allegations of error and injustice on 24 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), Petitioner submitted documentation showing 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 Subject's naval record be corrected, where appropriate, to show that:

a. When he enrolled in SBP for child (and spouse) coverage in July 1973 he submitted documentation attesting to the fact that his son, [REDACTED] (formerly [REDACTED]) was mentally incapacitated and would remain eligible to receive benefits for life. His SBP child coverage therefore remained in effect, vice being terminated when [REDACTED] reached age 22.

b. [REDACTED] was diagnosed with a mental illness at approximately age 14 and remains incapable of self support to this day. [REDACTED] has been appointed as his legal representative.

c. Premiums that would have been paid since the coverage was terminated in 1979 will be deducted from future benefits.

d. Captain [REDACTED] died on 15 February 1998.

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

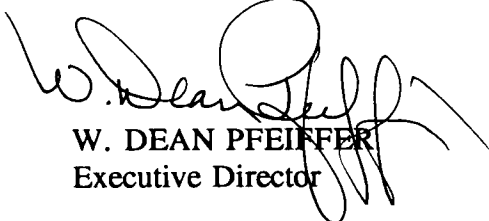
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings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

24 August 1999

  
W. DEAN PFEIFFER  
Executive Director