



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

MEH:ddj
Docket No: 7682-98
9 March 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 9 March 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 23 December 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

23 Dec 98

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

Via: Assistant for BCNR Matters (NPC-OOXCB)

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED]

Ref: (a) BCNR memo Pay of 25 Nov 98
(b) DOD Financial Management Regulation (Vol 7B)

1. Per reference (a), recommend the BCNR not correct Chief Olinger's record to reflect that he enrolled his adopted son in the Survivor Benefit Plan (SBP) prior to the one year adoption anniversary.

2. This recommendation is based on the following:

a. Chief Olinger transferred to the Fleet Reserve on 2 August 1976 and the Retired List on 1 April 1984. He enrolled in SBP spouse coverage upon transferring to the Fleet Reserve.

b. Per reference (b), if a member has no children and elected spouse only, he or she may, within 1 year of acquisition of the children, include the children with coverage previously elected for spouse.

3. Chief Olinger has waited over 6 years before attempting to enroll his new child in SBP.

4. The National Defense Authorization Act for FY 1999 provides for an SBP open enrollment period beginning 1 March 1999. Information about the open season will appear in the Spring edition of the Shift Colors. Chief Olinger will have an opportunity to enroll his adopted son in SBP at that time.

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