



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

MEH:ddj
Docket No: 1956-01
12 June 2001

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your deceased spouse's 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 12 June 2001. 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 spouse's naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum of 23 April 2001, 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. Documentary evidence, such as tax returns, car insurance, property deeds, etc, must be provided to establish common law marriage. 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 Apr 01

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-OOZCB)

[REDACTED]

Ref: (a) BCNR memo of 20 Oct 00
(b) DoD Financial Management Regulation (Vol 7B)
(c) NPC ltr 5820 PO612/107-1 dtd 17 Apr 01

1. Per reference (a), recommend BCNR not correct CPO [REDACTED] record to reflect that his election under the Survivor Benefit Plan (SBP) was changed from no beneficiary to spouse coverage.

2. The recommendation is based on the following:

a. CPO [REDACTED] transferred to the Fleet Reserve on 1 July 1995. He enrolled in SBP spouse and child(ren) coverage on 1 July 1995. He died 25 October 2000.

b. CPO [REDACTED]'s SBP category was changed to no beneficiary on 1 July 1999.

c. CPO [REDACTED] married Ms. [REDACTED] on 12 June 2000. He died on 25 October 2000.

d. Per reference (b), a member who is participating with spouse or spouse and child coverage and who does not have an eligible spouse beneficiary may upon remarriage: resume coverage, increase the level of coverage up to and including full retired pay, or elect not to have spouse coverage resume. Additionally, the spouse becomes an eligible beneficiary upon the first anniversary of the marriage.

3. Mrs. [REDACTED] has not provided documentary evidence establishing that she was married to the member for the required period of time.

[REDACTED]

Head, Navy Retired Activities
Branch (PERS-622)