



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

MEH:ddj  
Docket No: 8722-00  
11 September 2001

[REDACTED]

[REDACTED]

This is in reference to your application for correction of Petty Officer [REDACTED] 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 11 September 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, Petty Officer [REDACTED] naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum of 23 February 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. 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 Feb 01

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-OOZCB)

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED]  
[REDACTED]

Ref: (a) BCNR Memo of 5 Dec 00  
(b) PHONCON [REDACTED] and [REDACTED] NPC  
PERS 622D1 of 13 Feb 01

Encl: (1) NAVCOMPT Form 2272 dtd 23 Aug 93

1. Per reference (a), recommend BCNR not correct [REDACTED]  
record to reflect that he elected Survivor Benefit Plan (SBP)  
coverage spouse category.

2. The recommendation is based on the following:

a. PO1 [REDACTED] transferred to the Fleet Reserve on 31 October  
1993. He died on [REDACTED] July 1999.

b. PO1 [REDACTED] enrolled his spouse [REDACTED] in SBP,  
spouse coverage category, on 23 August 1993. Enclosure (1)  
verifies his date of marriage as 22 July 1973. Per reference  
(b), Ms. [REDACTED] indicated that she was not the spouse,  
[REDACTED], indicated at enclosure (1). Additionally, Ms. [REDACTED]  
[REDACTED] provided no documentary evidence indicating that PO1 [REDACTED]  
obtained a divorce from Mrs. [REDACTED]. It is noted that  
Ms. [REDACTED] did provide evidence of a possible common law  
marriage in Texas, however, she provided no evidence that PO1  
[REDACTED] had no legal impediments to marry (i.e. that he was divorced  
from his first wife).

3. In view of the above, Ms. [REDACTED] has not provided  
sufficient documentary evidence that PO1 [REDACTED] was divorced from  
his first wife, nor that she was legally married to the member  
therefore she does not qualify for payment of an SBP annuity at  
this time.

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