



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

MEH:ddj
Docket No: 2423-02
16 October 2002



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 16 October 2002. 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 NPC memorandum of 1 May 2002, 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

1 May 02

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-OOZCB)

Subj: COMMENTS AND RECOMMENDATION ICO PO1 WILSON, STEVENS
[REDACTED]

Ref: (a) BCNR memo of 11 Apr 02

Encl: (1) Record of Emergency Data case of PO1 Stevens dtd
22 Feb 60

1. In response to reference (a), recommend BCNR not correct
Petty Officer [REDACTED] record to reflect that he enrolled
in the Survivor Benefit Plan (SBP).

2. The recommendation is based on the following:

a. [REDACTED] transferred to the Fleet Reserve on
1 July 1960. Per enclosure (1), he did have an eligible spouse
beneficiary for enrollment in the Retired Serviceman's Family
Protection Plan (RSFPP).

b. [REDACTED] were
married when he transferred to the Fleet Reserve. He did not
enroll in the RSFPP. He died 4 October 2000.

c. Public Law 92-425 of 21 September 1972 established the
Survivor Benefit Plan (SBP). Retirees were mailed information
packages explaining the program and offering them an opportunity
to enroll in SBP during the 21 September 1972 through 20
September 1973 open season. Petty Officer [REDACTED] was offered
the opportunity to enroll in SBP during the 1 October 1981
through 30 September 1982 and the 1 April 1992 through
31 March 1993 open seasons. He did not elect to enroll his
spouse during any of the above open seasons.

3. "Shift Colors" (the retirees' quarterly newsletter) regularly
provides information on various aspects of SBP to include the
announcement of open season enrollment period. Retirees who
maintain their address information current with the Defense
Finance and Accounting Service-Cleveland (DFAS-CL) receive this
newsletters. This newsletter, as well as other periodicals from

Subj: COMMENTS AND RECOMMENDATION ICO PO1 W [REDACTED]
[REDACTED]

various Navy fraternal organizations, provides SBP information to the retired community on a routine basis. Additionally, the Navy Retired Activities Branch, PERS-665 and local Retired Activities Offices (RAOs) have been available to provide specific information to Petty Officer Stevens since his retirement.

[REDACTED]

Head, Retired Admin Section
Casualty Assistance and
Retired Activities Branch
(PERS-665)