



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

MEH:ddj
Docket No: 8056-01
15 January 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 15 January 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 4 December 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

4 Dec 01

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED]

DOCKET

Ref: (a) BCNR memo of 5 Nov 01
(b) DoD Financial Management Regulation (Vol 7B)

1. Per reference (a), recommend BCNR not correct Chief Petty Officer [REDACTED] record to reflect that he enrolled in the Survivor Benefit Plan (SBP) spouse category coverage effective 22 July 1990.
2. The recommendation is based on the following:
 - a. Chief Petty Officer [REDACTED] transferred to the Fleet Reserve on 31 July 1981. He was single at that time, and subsequently declined participation in SBP.
 - b. Chief Petty Officer [REDACTED] and [REDACTED] were married on 22 July 1989.
 - c. Per reference (b), if a member with no eligible dependents at the time of retirement later marries or remarries he or she may within one year of that marriage enroll their new spouse in SBP. The Defense Finance and Accounting Service-Cleveland (DFAS-CL) indicates that Chief Petty Officer [REDACTED] did provide documentation regarding his marriage. There also is no record that he requested assistance from the Casualty Assistance and Retired Activities Division, PERS-62 here in Millington during that timeframe.
3. "Shift Colors" (the retirees' quarterly newsletter) regularly provides information on various aspects of SBP. This newsletter, as well as various periodicals from Navy fraternal organizations also provides SBP information to the retired community on a routine basis. Additionally,

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

PERS-62 and local Retired Activities Offices (RAOs) have been available to provide information regarding SBP since Chief Petty Officer [REDACTED] transfer to the Fleet Reserve.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] N
Head, Retired Admin Section
Casualty Assistance and
Retired Activities
Division (PERS-62)