



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

BAN  
Docket No. 06471-08  
25 August 2008

[REDACTED]

Dear [REDACTED]

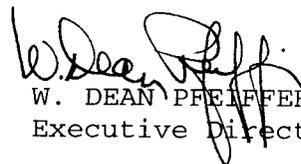
This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 August 2008. 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 the Deputy Director Casualty Assistance Division (N135C) of 6 Aug 08, 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. 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 also 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

6 Aug 08

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-31C)

Subj: COMMENTS AND RECOMMENDATIONS ICO [REDACTED]  
[REDACTED] DOCKET NO.  
06471-08

Ref: (a) BCNR memo of 10 Jul 08

1. Per reference (a), recommend BCNR not correct [REDACTED] record to reflect that he declined participation in the Survivor Benefit Plan (SBP).

2. The recommendation is based on the following:

a. [REDACTED] was transferred to the Fleet Reserve on 30 September 2003. He was automatically enrolled in the SBP as a result of the Defense Finance and Accounting Service-Cleveland Center (DFAS-CL) not receiving a valid election.

b. Public Law 105-85 enacted on 18 November 1997, authorized SBP participants to voluntarily discontinue SBP participation during the one-year period beginning on the second anniversary of the date of commencement of retired pay. [REDACTED] could have terminated his SBP participation but failed to do so in a timely manner.

3. Information regarding the SBP has been available to [REDACTED] via "Shift Colors", the Navy's retiree newsletter. This newsletter is provided to all Navy retirees who maintain current their correspondence address information current at the DFAS-CL. We make every effort to provide favorable recommendations for Sailors and their families; however we also retain a responsibility as stewards of the public trust. The DFAS-CL provides retirees a Retiree Account Statement each time there is a change to their retired pay, and at least one annually. This statement identifies them as SBP participants and

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shows the monthly SBP cost deduction. His spouse has been covered under the SBP since his date of retirement.



BASIL COLEMAN  
Deputy Director  
Casualty Assistance Section  
(N135C)  
Acting