



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

DJC
Docket No. 7696-08
23 September 2008

[REDACTED]

Dear [REDACTED]

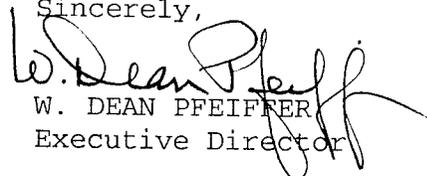
This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 22 September 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 NPC Memo dtd 26 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. 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

26 Aug 08

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

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

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED]
[REDACTED] DOCKET NO. 07696-08

Ref: (a) BCNR memo of 14 Aug 08

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

2. The recommendation is based on the following:

a. [REDACTED] was transferred to the Fleet
Reserve on 30 November 2004. He was married when he retired and
declined participation in the SBP at that time.

b. [REDACTED] could have enrolled his spouse in
the SBP during the 1 October 2005 to 30 September 2006 open
enrollment period. Information about this open enrollment period
was widely publicized in the Navy's quarterly retiree newsletter
"Shift Colors". This newsletter is provided to all Navy retirees
who maintain their correspondence address information up to date
with the Defense Finance and Accounting Service-Cleveland Center
(DFAS-CL).

3. Had [REDACTED] contacted this Headquarters during
the year immediately following his retirement; we would have
provided him assistance with his SBP election via the
administrative error correction process.



BASIL COLEMAN
Deputy Director
Casualty Assistance Section
(N135C)
Acting