



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

BAN  
Docket No. 01855-09  
23 July 2009

[REDACTED]

Dear [REDACTED]

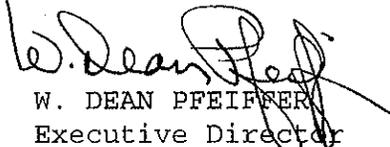
This is in reference to your application for correction to your deceased spouse's naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 July 2009. 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 Branch (N135C) of 30 Jun 09, 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

30 Jun 09

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS (BCNR)

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

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

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Ref: (a) BCNR memo of 4 Jun 09

(b) DoD Financial Management Regulation (Volume 7B)

1. Per reference (a), recommend the BCNR not correct [REDACTED]  
[REDACTED] record to reflect that he resumed participation  
in the Survivor Benefit Plan (SBP) spouse category effective  
30 August 2007.

2. The recommendation is based on the following:

a. [REDACTED] transferred to the Fleet Reserve on  
16 January 1974. He enrolled in the SBP spouse and child  
coverage category at that time.

b. [REDACTED] spouse died on 1 November 1999.

c. [REDACTED] and [REDACTED] were  
married on 30 August 2006. He died on 9 February 2007.

d. Per reference (b), a member who is participating with  
spouse or spouse and child coverage and who does not have an  
eligible spouse beneficiary may, within one year of that  
remarriage, resume coverage, increase the level of coverage up  
to and including full retired pay, or elect not to resume spouse  
coverage effective on the first anniversary.

JUL 16 2009

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

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3. In view of the above, [REDACTED] is not eligible for an SBP annuity due to the fact that the member did not meet the one-year survival requirement which would have entitled his spouse to receive an SBP annuity.



BASIL COLEMAN  
Deputy Director  
Casualty Assistance Branch  
(N135C)  
Acting