



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

BAN  
Docket No. 08028-09  
22 March 2010

[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 22 March 2010. 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 deceased spouse's 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 5 Feb 2010, a copy of which is attached.

The Board noted that your spouse ([REDACTED]) had one year from the date of your marriage to enroll you in the RCSBP program, and also during the 1 October 2005 to 30 September 2006 open enrollment period; however, he failed to do so. Additionally, we have contacted the Navy Benefits Office regarding your request that "[REDACTED]'s record include his marriage to [REDACTED]." That office has advised that the record already lists you as [REDACTED] spouse effective 22 June 2002. Further information about your benefits and eligibilities may be obtained by calling the Navy's Pay, Personnel & Benefits Branch at (901) 874-3362 or by visiting <http://www.npc.navy.mil/CommandSupport/PayPersSupport/>.

Therefore, under these circumstances, the Board found insufficient evidence of an error or injustice that would warrant relief. 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