



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

DJC
Docket No. 12983-09
27 Apr 10

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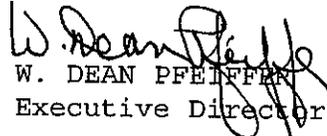
This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 April 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 naval record and applicable statutes, regulations and policies. In addition, the Board considered an advisory opinion furnished by HQMC which recommended that no relief be granted.

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. The Board noted that you were provided with an opportunity to enroll in the Reserve Component Survivor Benefit Plan (RCSBP) in October 1998 when you were furnished with the enclosed "Notification of Entitlement to Retired Pay at Age 60 and Eligibility to participate in the Reserve Component Survivor Benefit Plan" (NOE). Unfortunately, there is no evidence that you enrolled at that time. You also had two subsequent opportunities to enroll during widely publicized "open enrollment" seasons. Those open enrollment seasons were held in March 1999 - February 2000 and October 2005 - September 2006. Regrettably, there is no evidence that you elected coverage during any of those opportunities. You will also be afforded an opportunity to enroll in the as Survivor Benefit Plan in 2018 when you reach age 60. 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 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