



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

BAN
Docket No. 13269-09
24 March 2010

[REDACTED]

This is in reference to your application for correction to 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 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 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 Division (N135C) of 2 Mar 2010, a copy of which is attached.

The Board noted that you had been provided multiple opportunities to enroll in the Survivor Benefit Plan (SBP). As noted in the attached advisory opinion, you could have enrolled within one year of your marriage to Niphaporn K. Cavazos or during the widely publicized "open seasons" between 1 March 1999 - 29 February 2000 and 1 October 2005 - 30 September 2006. Regrettably, there is no evidence that you elected coverage during any of those opportunities. 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