



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

BAN
Docket No. 07079-10
7 March 2011

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) Headquarters United States Marine Corps (HQMC) memo 1741
MMSR-6K of 16 Sep 10
(3) Subject's naval record

1. Pursuant to the provisions of reference (a) Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show that he submitted a timely written request to add his new spouse, [REDACTED] to his Survivor Benefit Plan (SBP) coverage within one year of his marriage.

2. The Board, consisting of Messrs. Pfeiffer, Zsalman, and Exnicios, reviewed Petitioner's allegations of error and injustice on 14 February 2011 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds

the existence of an injustice warranting the following corrective action.

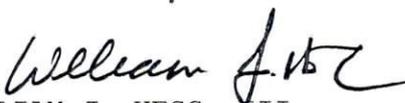
RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, as follows:

- a. Petitioner executed a written request to remove his former spouse [REDACTED] as the beneficiary of his Survivor Benefit Plan (SBP) "spouse and child" coverage, one day after the date of his divorce on 17 April 2004.
- b. Petitioner submitted a timely written request to add his new spouse, [REDACTED] as the beneficiary for SBP "spouse and child coverage", within one year from the date of his marriage on 18 December 2004.
- c. No waiver is authorized for back payment of SBP premiums which would have been deducted from Petitioner's retired pay within one year from the date of his remarriage on 18 December 2004.
- d. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


WILLIAM J. HESS, III
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

7 March 2011


W. DEAN PFEIFFER
Executive Director