



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

BAN  
Docket No. 07253-10  
1 June 2011

[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 16 May 2011. 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 husband's naval record and applicable statutes, regulations and policies. In addition, the Board also considered the enclosed advisory opinion furnished by Navy's Survivor Benefit Plan Program Manager dated 4 January 2011 which recommended no relief be granted.

The Reserve Component Survivor Benefit Plan (RCSBP) is a program that allows a reserve retiree who has not yet become entitled to retired pay by reaching age 60, to leave a percentage of the future retired pay as a monthly survivor annuity to surviving beneficiaries. Reserve retirees become eligible to participate in the RCSBP by completing all of the requirements to be qualified for retired pay at age 60.

The records that are available to this Board show the following: on 4 December 1998, your husband was furnished with a "Notice of Eligibility", (NOE) from the Naval Reserve Personnel Center (NRPC) which enabled him to participate in the RCSBP program within 90-days of the receipt of his letter. On 16 December 1998, you were also sent a letter from NRPC, informing you of your husband's eligibility to participate in the RCSBP and the different options available. Your husband was afforded an opportunity to elect coverage from three options.<sup>1</sup> He elected

<sup>1</sup> Option A - Decline to make an election until age 60. Under this option, there is no coverage in the years between becoming retirement-eligible and attaining age 60. However, the retiree retains the option to elect coverage upon becoming entitled to retired pay.

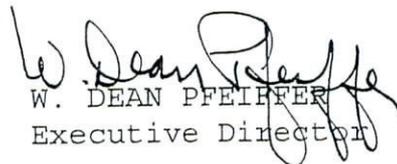
option "B" (Deferred annuity). His election was entered in the Inactive Manpower and Personnel Management Information System (IMAPMIS). The Board noted that your husband's actual election form was not retained. However, the Board found that the entry in the IMAPMIS adequately recorded your husband's election. <sup>2</sup>

Your husband passed away on 7 April 2010, at the age of 53, before he reached age 60. Because he chose option "B", a survivor annuity is payable when your husband would have reached age 60 on (or about) August 2016 (assuming all other eligibility criteria are met).

Under these circumstances, the Board found insufficient evidence of an error or injustice that would warrant any change to your husband's RCSBP election. Accordingly, your application seeking a change that would entitle you to an immediate annuity 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

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Option B - Deferred annuity. Under this option, if the retiree dies before reaching age 60, a survivor annuity is payable on the date the member would have attained age 60. If death is after 60, the annuity begins the day after the date of death.

Option C - Immediate annuity. A survivor annuity becomes payable on the day after the date of the member's death, whether before or after age 60.

<sup>2</sup> There is no evidence that he elected either option "A" (Decline to make an election until age 60), or option "C" (Immediate annuity).