



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

█  
Docket No. 2770-21

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Dear █

This is in reference to your application for correction of your father's naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your father's naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 24 November 2021. The names and votes of the members of the panel will be furnished upon request. 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, relevant portions of your father's naval record and applicable statutes, regulations, and policies.

You requested to change your father's record to reflect he elected to participate in the Survivor Benefit Plan (SBP). The Board, in its review of your father's entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that the requirement for spouse concurrence on SBP elections to decline or opt for reduced coverage did not become effective until 1 March 1986 in accordance with Department of Defense Financial Management Regulation 7000.14-R. A review of Master Sergeant (MSgt) Wood's record indicates he was provided counseling regarding SBP coverage on 15 November 1977; however, the Board could not find nor did you provide evidence of him electing to participate in SBP coverage prior to receiving retired pay effective 1 December 1977. Additionally, there is no indication of █ paying the premiums associated with electing SBP coverage and there is no record of him attempting to take advantage of the three open enrollment periods subsequent to his retirement, thereby rendering your mother ineligible for an SBP annuity.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined

that a personal appearance was not necessary and considered your case based on the evidence of record.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

12/13/2021

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Deputy Director

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