

**DEPARTMENT OF TRANSPORTATION
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for Correction of
Coast Guard Record of:

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

BCMR Docket
No. 2001-121

FINAL DECISION

 Chair:

This is a proceeding under the provisions of section 1552 of title 10 and section 425 of title 14, United States Code. It was commenced on August 20, 2001, upon the Board's receipt of the applicant's complete application for correction of his military record.

This final decision, dated June 20, 2002, is signed by the three duly appointed members who were designated to serve as the Board in this case.

The applicant, a petty officer third class (pay grade E-4) in the Reserve, asked the Board to correct his record to show that he canceled his participation in the Soldiers Government Life Insurance (SGLI) program effective in November 1999. He also requested that all premiums collected from his pay since that time be refunded to him.

In support of his application, the applicant stated, "I have tried to cancel SGLI since 11/99. [T]hat is when I first noticed [it] was still being deducted . . . from my pay after not having drilled for 2 years due to serving a mission for my church." He submitted a SGLI Election and Certificate form, dated November 7, 2000, stating "I do not want insurance at this time."

Views of the Coast Guard

On January 11, 2002, the Board received an advisory opinion from the Chief Counsel of the Coast Guard. He stated that the applicant has been reimbursed in the amount of \$64 for SGLI payments he made from December 2000 through March 2001. In a memorandum attached to the advisory opinion, the Commander, Coast Guard Personnel Command (CGPC) stated that the applicant's PERSRU (Personnel Reporting Unit) had received the applicant's November 7, 2000 request to cancel his SGLI, which should have become effective on December 1, 2000.

The Chief Counsel stated that the applicant was not granted full relief because there is no independent evidence supporting the applicant's assertion that he notified his PERSRU in November 1999 that he wanted to cancel his participation in the SGLI program. (The applicant's military record does not contain any documentation that the applicant canceled or attempted to cancel his SGLI participation until November 7, 2000.)

Applicant's Response to the Views of the Coast Guard

A copy of the Coast Guard views was mailed to the applicant on January 14, 2000, for his reply. He did not submit a response.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the applicant's submissions and military record, the Coast Guard's submission, and applicable law:

1. The BCMR has jurisdiction over this matter pursuant to section 1552 of title 10, United States Code. The application was timely.
2. Sufficient evidence was presented to establish that on November 7, 2000, the applicant requested in writing that his PERSRU cancel his participation in the SGLI program. However, the Coast Guard failed to act on the applicant's request, which should have become effective December 1, 2000. (Service members are not required to participate in the SGLI program.)
3. The Board finds that the Coast Guard committed an error by continuing to deduct monthly charges for SGLI premiums from the applicant's pay after receiving a request, dated November 7, 2000, from the applicant to cancel his participation in the SGLI program.
4. Admitting that it erred in this regard, the Coast Guard has reimbursed the applicant \$64 for premiums erroneously deducted from his pay from December 2000 through March 2001.
5. The applicant has failed to prove by a preponderance of the evidence that he is entitled to any additional relief. He has not submitted any evidence, except for his own statement, establishing that he requested to cancel his SGLI participation any earlier than November 7, 2000.
6. Accordingly, the applicant's request for relief other than that already granted by the Coast Guard is denied.

ORDER

The application of XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX, for the correction of his military record is denied, except for that relief already granted by the Coast Guard.

