



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

MEH:ddj
Docket No: 3322-01
19 June 2001

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 June 2001. 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 naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CMC memorandum 1760 MMSR-6J of 30 May 2001, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board did not concur with the comments contained in the advisory opinion. No documentation was provided to support the allegations of lack of proper counseling. 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 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



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:
1760
MMSR-6J
30 May 01

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]

Ref: (a) MMER Route Sheet of 15May01, Docket No. 3322-01

1. The reference requests an advisory opinion on Lieutenant Colonel [REDACTED]'s petition to correct his records to show that he is enrolled in the Survivor Benefit Plan with spouse coverage.
2. When Lieutenant Colonel [REDACTED] transferred to the Retired List on 1 September 1999, he and Mrs. [REDACTED] elected no coverage under the SBP. He states in his petition that he and Mrs. [REDACTED] were not properly counseled with regard to SBP coverage prior to his nonelection.
3. Lieutenant Colonel [REDACTED] further states that he and Mrs. [REDACTED] desire enrollment in the SBP and he is aware that, if enrolled, he will be charged SBP costs back to his date of retirement.
4. We recommend that, through coordination with the Defense Finance and Accounting Service in Cleveland, Ohio, Lieutenant Colonel [REDACTED] be enrolled in SBP with spouse coverage since his date of retirement.

[REDACTED]
Head, Separation and
Retirement Branch
By direction of the Commandant
of the Marine Corps