



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

MEH:ddj
Docket No: 877-02
16 October 2002



This is in reference to your application for correction of your deceased spouse's 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 16 October 2002. 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 spouse's naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by NPC memorandum of 18 April 2002, 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 substantially concurred with the comments contained in the advisory opinion. 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

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000

18 Apr 02

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-OOZCB)

Subj: COMMENTS AND RECOMMENDATION [REDACTED]

Ref: (a) BCNR memo of 7 Mar 02

Encl: (1) Record of Emergency Data case of G [REDACTED] a dtd
2 Mar 60

(2) Record of Emergency Data case of [REDACTED]
dtd 25 Jan 63

1. In response to reference (a), recommend BCNR not correct Chief Petty Officer [REDACTED] record to reflect that he enrolled Ms. [REDACTED] in the Survivor Benefit Plan (SBP).

2. The recommendation is based on the following:

a. Chief Petty Officer [REDACTED] transferred to the Fleet Reserve on 25 January 1963. Per the enclosures, he did not have an eligible spouse beneficiary for enrollment in the Retired Serviceman's Family Protection Plan (RSFPP).

b. Chief Petty Officer [REDACTED] and [REDACTED] were married on 2 August 1948. The enclosures indicate that they were divorced. Additionally, a review of his service revealed documentation received from [REDACTED] by the National Personnel Records Center (NRPCC) in 1993 where she claimed to be his widow.

c. Public Law 92-425 of 21 September 1972 established the Survivor Benefit Plan (SBP). Retirees were mailed information packages explaining the program and offering them an opportunity to enroll in SBP during the 21 September 1972 through 20 September 1973 open season. Chief Petty Officer [REDACTED] has also been offered the opportunity to enroll in SBP during the 1 October 1981 through 30 September 1982, open seasons if he had an eligible spouse at that time. He did not elect to enroll, if appropriate, during the above open seasons.

Subj: COMMENTS AND RECOMMENDATION FOR [REDACTED]
[REDACTED]
[REDACTED]

3. [REDACTED] has further documentation or information to justify her claim she should provide it at that time.

[REDACTED]

Head, Retired Admin Section
Casualty Assistance and
Retired Activities Branch
(PERS-665)