



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

MEH:mh
Docket No: 4075-02
9 July 2002

[REDACTED]

Dear [REDACTED]

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 9 July 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 13 June 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

13 June 02

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS (BCNR)

Via: Assistant for BCNR Matters (Pers-00ZCB)

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED]
SECRET NO. 04075-02

Ref: (a) BCNR Pay memo of 16 May 02
(b) DoD Financial Management Regulation (Vol 7B)

Encl: (1) Navy Retried/Retainer Pay Data Form
NAVCOMPT Form 2272

1. In response to reference (a), recommend the BCNR not correct
[REDACTED] record to reflect that he enrolled in the spouse
only category of coverage in the Survivor Benefit Plan (SBP)
effective 26 November 1984.

2. The recommendation is based on the following:

a. [REDACTED] transferred to the Fleet Reserve on
30 November 1984. Per the enclosure, he enrolled in the SBP
child only category at that time. He died 8 September 1995.

b. As required by law, [REDACTED] concurred with
[REDACTED] election of child only coverage.

c. Reference (b) states in part that children are eligible
beneficiaries if they are unmarried and under the age of 18; or
over age 18, but under age 22 and still in school full time; or
have suffered a mental or physical incapacity.

3. In view of the children's eligibility, [REDACTED] is not
entitled to an SBP annuity.

[REDACTED]

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