



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

BAN
Docket No. 13431-09
8 March 2010

[REDACTED]

[REDACTED]


This is in reference to your application for correction to your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 March 2010. 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 HQMC memo 1800 MMSR-5 of 12 Feb 10, a copy of which is attached.

The Board noted that you received your Notification of Eligibility in February 2002, and failed to make election within 90 days. Therefore, you were auto enrolled into the Reserve Component Survivor Benefit Plan (RCSBP), under Option C in the spouse category, for . In August 2006, you divorced and there was no former spouse provision in your divorce decree; therefore, your RCSBP coverage should have been suspended. In October 2007, when you remarried , you had one year from the date of your marriage to either change your "Option" under the RCSBP program, decline coverage, or do nothing and continue in the RCSBP program for your new spouse under your previous election, Option C. You chose to do nothing, thereby restarting your RCSBP coverage for your new spouse under Option C. Under these circumstances, the Board found insufficient evidence of an error or injustice that would warrant relief. 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 also 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 PFELFFER
Executive Director

Enclosure