



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD SUITE 1001
ARLINGTON VA 22204-2490

BAN
Docket No. 11341-11
27 February 2012

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of 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 21 February 2012. 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 the Survivor Benefit Plan Program Manager Casualty Assistance (OPNAV N135C) of 1 Feb 12, a copy of which is attached.

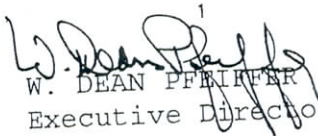
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In making this determination, the Board substantially concurred with the comments contained in the advisory opinion. Records show that when you transferred to the retired list on 1 June 2010, you were automatically enrolled in the "spouse only" category of SBP coverage. Your application seeks to change the record to show that when you transferred to the retired list, you (a) declined SBP coverage for your spouse and (b) elected to be enrolled in the "child(ren) only" category of SBP coverage.

With respect to your request in (a) above (to change the record to show that you declined SBP coverage for your spouse), the Board determined that no relief is warranted. The Board agreed with the comments in the advisory opinion that you have already received the benefit of spouse coverage since 1 June 2010. Accordingly, the Board has denied this portion of your request. With respect to your request in (b) above (to change the record to show that you enrolled in "child(ren) only" coverage), the Board was receptive to changing the record to add "child(ren)" coverage to the "spouse" coverage effective 1 June 2010. However, by e-mail dated 21 Feb 2012, you have indicated that you intend to "terminate SBP once in the 25-36 month window" vice

adding your child(ren) to the SBP. Accordingly, the Board has denied this portion of your request also. 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 PFEIFFER
Executive Director

Enclosures