



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

[REDACTED]  
Docket No. 4108-16

JUL 8 - 2016

[REDACTED]  
Dear [REDACTED]

This is in reference to your application for correction of your deceased husband's naval record pursuant to the provisions of 10 USC 1552. Your case was reconsidered in accordance with new Board for Correction of Naval Records procedures that conform to *Lipsman v. Secretary of the Army* 335 F. Supp. 2d 48 (D.D.C. 2004). You were previously denied relief by the Board on 2 September 2015.

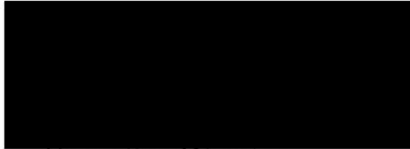
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 June 2016. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. In regard to your request for a personal appearance, Board regulations state that a personal appearance before the Board is not granted as a right, but only when the Board determines that such an appearance will serve some useful purpose. The Board determined that a personal appearance was not necessary and considered your case based on the evidence of the record. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your deceased husband's naval record and applicable statutes, regulations and policies. However, after careful and conscientious consideration of the entire record, the Board determined that while your request does contain new information not previously considered by the Board, specifically your affidavit concerning the circumstances surrounding your Survivor Benefit Plan counseling, it does not warrant relief. Accordingly, your request has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board carefully considered your contention that you considered yourself under duress at the time of signing the Survivor Benefit Plan (SBP) election form. The Board considered your assertion that your husband was yelling at you in Spanish, stating that he would not be allowed to retire and that you would have to move back to [REDACTED] if you did not sign the form. The Board noted that English is not your primary language. However, after thorough review of all the facts you presented in your petition, the Board felt that it was your responsibility to ask for a translator at the time of SBP counseling and to fully understand the contents of a document prior to signing the document. The Board also noted that at no time prior to your husband's death did you attempt to get additional information about the contents of the document you signed or the ramifications of declining SBP coverage.

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It is regrettable that the circumstances of your case are such that the Board will not process any additional reviews and this matter is considered a final action. However, if you wish to continue to seek relief you will need to present your concerns to a court of appropriate jurisdiction.

Sincerely,

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director