



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

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Docket No. 9679-24  
Ref: Signature Date

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Dear ██████████

The Board gives their deepest condolences to you and your family. This letter is in reference to your application for correction of your late sister's naval record ██████████ (Subject) pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of Subject's naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 21 January 2025. The names and votes of the members of the panel will be furnished upon request. 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, relevant portions of Subject's naval record and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinion contained in Office of Legal Counsel (BUPERS-00J) letter of 5 November 2024 and your Counsel's response to the opinion.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

In accordance with Department of Defense Instruction 1300.18, published on 8 January 2008, "[t]his Instruction... 2.4. Establishes Record of Emergency Data (RED) or DD Form 93 preparation, maintenance, and minimum audit requirements."

"E7.1. General. The DD Form 93, when completed, for military personnel is an official record of the beneficiaries designated to receive death gratuity and pay allowances. For civilian personnel, the purpose of the form is emergency notification only in the event the

member becomes a casualty. For both military and civilian personnel, it contains the name and address of the person(s) to be notified in the event of sickness, emergency, or death.” “E7.2. Use E7.2.1. Mandatory: E7.2.1.1. For all applicants, officer and enlisted, accessing in the Armed Forces....”

“E7.5. Validation Requirements E7.5.1. Those individuals identified in paragraph E7.2.1. are solely responsible for the accuracy of the information recorded on the DD Form 93. E7.5.2. The Military Services will ensure that each Service member, civilian employee, or contractor as appropriate, verifies the accuracy of the data on the DD Form 93, at a minimum, on the following occasions: E7.5.2.1. During the initial enlistment or employment review. E7.5.2.2. Upon reporting to a new duty station. E7.5.2.3. When ordered to periods of temporary duty in excess of 30 days. E7.5.2.4. Prior to all deployments, regardless of length. E7.5.2.5. Prior to departure on permanent change of station orders. E7.5.2.6. Annually.”

Subject entered active duty on 15 August 2017.

On 15 August 2017, Subject signed a Record of Emergency Data (DD Form 93) listing Block 11a (Beneficiary(ies) for death gratuity) [REDACTED], block 11b (Relationship) Father, block 11c (Address) [REDACTED], and block 11d (Percentage) 100%. Additionally, [REDACTED] was named as beneficiary for unpaid pay/allowances at 100% and Person Authorized to Direct Disposition (PADD) in blocks 12a and 13a, respectively.

In accordance with MILPERSMAN 1070-271 published on 20 January 2019 that “[t]his article supplements reference (a) and outlines procedures for initial entry, periodic review, and updating procedures for DD 93 Record of Emergency Data. The Service member is solely responsible for the accuracy of the information recorded on DD 93. Emergency data information is no longer recorded on NAVPERS 1070/602 Dependency Application.” DD 93 is used for both officer and enlisted Service members to provide information on family members and elect various beneficiaries. DD 93 is updated or verified using the Record of Emergency Data/Dependency Application ("RED/DA") application through the Navy Standard Integrated Personnel System (NSIPS) electronic service record (ESR). When updated and electronically signed, DD 93 will be automatically uploaded to the Service member's official military personnel file (OMPF). When access to the NSIPS ESR is not available, a manually signed DD 93 may be used and submitted through the command pay and personnel administrator (CPPA) or servicing personnel office to the Service member's OMPF.

“When signed and filed in the OMPF, DD 93 is the official document used to determine: (1) person(s) to be notified in the event of emergency or death, beneficiary(ies) to receive the death gratuity, (2) person (s) to receive unpaid pay and allowances (UPPA) or arrears of pay, including money accrued during a missing or captured status, unused leave, travel, or per diem...”

Note: The "Continuation/Remarks" block on DD 93 offers the greatest amount of flexibility for the Service member to record other pertinent information not normally required but considered particularly useful in the casualty notification and assistance process. In addition to continuing information from other blocks on the form, the Service member may desire to

include additional information such as next-of-kin/dependent language barriers, location or existence of a will, additional private insurance information, or other family member(s) contact numbers.

Note: An unsigned and or undated DP 93 will be considered an invalid, unofficial document. Only the most current version submitted through one of the three methods described above will be used to determine beneficiaries.

“DD 93 must be updated when change (s) are made: in dependent status (marriage, divorce, or birth or death of a child), to the address of a spouse, parent, or other beneficiary, in Service member's status, in Service member's rate or grade, and to designees or beneficiaries of the following: (a) Death Gratuity. This payment of \$100,000 is intended to provide immediate financial assistance, which may be split up to 10 beneficiaries. Note: If Service member has a spouse, the spouse will be notified. If a Service member names any other beneficiary other than the spouse, see MILPERSMAN 1770-280.”

In accordance with 10 U.S.C. § 1475. “Death gratuity: death of members on active duty or inactive duty training and of certain other persons (a) Except as provided in section 1480 of this title, the Secretary concerned shall have a death gratuity paid to or for the survivor prescribed by section 1477 of this title, immediately upon receiving official notification of the death of— (1) a member of an armed force under his jurisdiction who dies while on active duty or while performing authorized travel to or from active duty...”

In accordance with 10 U.S.C. § 1477. “Death gratuity: eligible survivors (a) Designation of Recipients. (1) On and after July 1, 2008, or such earlier date as the Secretary of Defense may prescribe, a person covered by section 1475 or 1476 of this title may designate one or more persons to receive all or a portion of the amount payable under section 1478 of this title. The designation of a person to receive a portion of the amount shall indicate the percentage of the amount, to be specified only in 10 percent increments, that the designated person may receive. The balance of the amount of the death gratuity, if any, shall be paid in accordance with subsection (b).”

“(b) Distribution of Remainder; Distribution in Absence of Designated Recipient. If a person covered by section 1475 or 1476 of this title does not make a designation under subsection (a) or designates only a portion of the amount payable under section 1478 of this title, the amount of the death gratuity not covered by a designation shall be paid as follows: (1) To the surviving spouse of the person, if any. (2) If there is no surviving spouse, to any surviving children (as prescribed by subsection (d)) of the person and the descendants of any deceased children by representation. (3) If there is none of the above, to the surviving parents (as prescribed by subsection (c)) of the person or the survivor of them. (4) If there is none of the above, to the duly appointed executor or administrator of the estate of the person. (5) If there is none of the above, to other next of kin of the person entitled under the laws of domicile of the person at the time of the person's death.”

In accordance with 10 U.S.C. §1482. “Expenses Incident to Death... (c) The following persons may be designated to direct disposition of the remains of a decedent covered by this chapter:(1)

The person Identified by the decedent on b: the record of emergency data maintained by the Secretary concerned (DD Form 93 or any successor to that form), as the Person Authorized to Direct Disposition (PADD), regardless of the relationship of the designee to the decedent..."

On 9 July 2019, a journal entry submitted as written by Subject, stated the following: "Welp, life is definitely interesting, I guess. My birthday was last week and I'm officially 20. One more year and I will be 21 which will be cool. Anyways, I guess I'm okay. I kinda don't feel the most amazing but I am trying to be Okay. I finally found a psychiatrist and I have my second appointment today. I'm supposed to be getting off ██████████..."

On 16 July 2019, Subject's Reporting Senior signed a Periodic/Regular Evaluation Report and Counseling Record for the period of 18 September 2018 to 15 July 2019. Individual Trait Average 3.50. Of the 7 Performance traits rated, Subject was rated "Meets Standards" for 3 traits and "Above Standards" for 3 traits. One standard was NOB. Additionally, under Comments on Performance, the following is stated: "Stellar Sailor and Behavioral Health Technician. Already performing at P03 level. TOP PERFORMER: Aggressive self-starter producing impeccable quality of workplaces her on par with seasoned Behavioral Health Techs... Created the 4DX Patient Appointment Tracker monitoring "no-show" rates to critical mental health appointments...decreasing overall wait times from 6-8 weeks to within 2-3 weeks. An outstanding technician with unlimited potential who is committed to the success of the command, her shipmates, and her own personal/professional development. ADVANCE NOW!" Subject received a Must Promote promotion recommendation.

On 29 July 2019, Subject signed a Record of Emergency Data (DD Form 93) listing block 11a (Beneficiary(ies) for death gratuity) ██████████ [S], block 11b (Relationship) Friend, block 11c (Address) ██████████ and block 11d (Percentage) 100%. Additionally, ██████████ [S] (friend) was named as beneficiary for unpaid pay/allowances at 100% and Person Authorized to Direct Disposition (PADD) in blocks 12a and 13a, respectively. In block 14 (Continuation/Remarks) ██████████, [S] was listed for the following: Funeral Travel Authorized, Other person to be Notified, and Bedside Travel Authorized.

On 21 July 2020, Subject's Reporting Senior signed a Periodic/Regular Evaluation Report and Counseling Record for the period of 16 July 2019 to 15 July 2020. Individual Trait Average 3.67. Of the 7 Performance traits rated, Subject was rated "Meets Standards" for 2 traits and "Above Standards" for 4 traits. One standard was NOB. Additionally, under Comments on Performance, the following is stated: "Highly motivated Sailer who seeks increased responsibility and accepts any assignment. BURGEONING LEADER...Oversaw 32 triage evaluations for one F02 and two P03s then provided feedback on encounter documentation, her efforts increased Behavioral Health Technicians' skills and directly increased the number of trained personnel able to conduct triage assessments...Quickly adapted to Psychiatric Transition Program standards and provided daily wellness and medication monitoring for 15 patients that resulted in no adverse effects or decrease in mental health status..." Subject received a Promotable promotion recommendation.

On 16 July 2021, Subject's Reporting Senior signed a Periodic/Regular Evaluation Report and Counseling Record for the period of 16 July 2020 to 15 July 2021. Individual Trait Average

4.17. Of the 7 Performance traits rated, Subject was rated “Meets Standards” for 2 traits, “Above Standards” for 1 trait and Greatly Exceeds Standards for 3. One standard was NOB. Additionally, under Comments on Performance, the following is stated: “MY #1 EP OF 9 HIGHLY MOTIVATED HOSPITAL CORPSMAN IN MENTAL HEALTH DEPT! MISSION ORIENTED. Regionally requested to fill the BHT role on ██████████ she supported 3 mental health providers in the triage of 1678 Mental Health patients which resulted in their return to fit for full duty status... TECHNICAL EXPERT. Supported 7 providers and conducted 500 triage/safety evaluations and identified 23 patients as critically high risk...” Subject received an Early Promote promotion recommendation.

On 26 August 2021, Subject’s Reporting Senior signed a Detachment of Individual/Concurrent Evaluation Report and Counseling Record for the period of 1 December 2020 to 31 August 2021. Individual Trait Average 3.67. Of the 7 Performance traits rated, Subject was rated “Meets Standards” for 2 traits and “Above Standards” for 4 traits. One standard was NOB. Additionally, under Comments on Performance, the following is stated: “A highly talented technician who consistently works ABOVE HER PAYGRADE! MISSION FOCUSED. Hand selected to deploy with ██████████, assisted in the pre-deployment sample collection and testing of 5,200 Sailors...INITIATIVE. Created Mental Health Procedures binder and provided two hours of training to 20 Corpsmen on triage, evaluation, and care of mental health patients which increased departmental knowledge...” Subject received an Early Promote promotion recommendation.

On 22 September 2021, Subject passed away.

On 11 January 2022, a Report of Casualty (DD Form 1300) was issued on Subject, listing the following Casualty Information, block 4a (Type) Nonhostile, block 4b (Status) Deceased, block 4c (Category) Accident, and block 4d (Date of casualty) 22 September 2021. Furthermore, ██████████ was listed as Primary next-of-kin and ██████████ was listed as Beneficiary(ies) for death gratuity - as designated on record of emergency data and Beneficiary for unpaid pay and allowances - as designated on record of emergency data.

You requested the correction to DD Form 93 to reflect legally authorized election, correct blocks 11a to mirror that of previously executed DD Form 93 and direct the U.S. Navy to reissue Subject’s Death Gratuity payment to her father, ██████████. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that the instructions that are included on the DD Form 93 that Subject signed in July 2019 state that, “[o]nly a family member can be named as the PADD... Accordingly, it was improper to name ██████████ as the PADD, and this Board should find [Subject’s] 2019 DD-Form 93 null and void.” However, the Board determined that in accordance with paragraph (c) of 10 U.S.C. §1482, Subject was authorized to designate any person as the PADD, regardless of the relationship of that person to Subject.

You assert that the Navy did not properly verify Subject’s 2019 DD Form 93 for accuracy, and the Form was not updated annually, as required by DoD Instruction 1300.18. However, the Board noted that in accordance with DoD Instruction 1300.18, the *service member* is responsible for the accuracy of the information recorded on the DD Form 93. When Subject decided that the



beneficiary information no longer reflected her wishes, Subject updated her DD Form 93 accordingly. Furthermore, although the Service Concerned is responsible for having the members *verify the information* annually, the instruction does not specifically require a new DD Form 93 to *be created* annually. The Board found it reasonable to conclude that DD Form 93s were not created annually because Subject only signed a new Form when she decided to change her beneficiary designations.

Lastly, you assert that Subject was mentally incompetent at the time she executed the DD Form 93 and that, “[t]he journal entries from [Subject’s] private diary clearly establish the presence of multiple mental health symptoms at the time her DD Form 93 was executed and at the time of her passing. Her journal entries reflect suicidal ideation, self-loathing, depression, anxiety, and a list of other mental health symptoms,” therefore, the Board should find Subject’s DD Form 93 null and void. However, the Board did not find your assertions regarding the journal entries as an overarching reason during their deliberations, but more importantly considered all material submitted in support thereof, relevant portions of Subject’s naval record and applicable statutes, regulations, and policies. The Board noted that just prior to executing the DD Form 93 in July 2019, Subject’s journal entry, in part, was hopeful and stated “[w]elp, life is definitely interesting, I guess. My birthday was last week and I’m officially 20. One more year and I will be 21 which will be cool. Anyways, I guess I’m okay. I kinda don’t feel the most amazing but I am trying to be Okay...” Furthermore, Subject’s record shows that she was performing at or above standards for the period beginning approximately 10 months before she elected to change her DD Form 93 until her death. In July 2019, Subject’s Reporting Senior stated that she was “[a]n outstanding technician with unlimited potential who is committed to the success of the command, her shipmates, and her own personal/professional development” and Subject received Early Promote recommendations on 2 of the 3 subsequent evaluations. Therefore, upon careful review and consideration of all of the evidence of record, the Board determined that the DD Form 93 signed by Subject on 29 July 2019 is valid and that a change to Subject’s naval record is not warranted. In this connection, the Board also substantially concurred with the comments contained in the advisory opinion.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

1/27/2025

