



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

15 Jun 99

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

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

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED]
[REDACTED], [REDACTED] DOCKET NO. 02814-99

Ref: (a) BCNR memo Pay of 5 May 99

1. Per reference (a), recommend the BCNR not correct [REDACTED] record to reflect that he enrolled in the Survivor Benefit Plan (SBP).

2. This recommendation is based on the following:

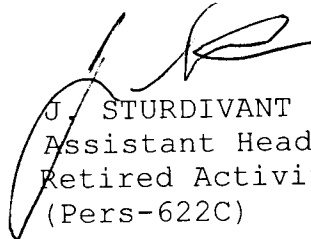
a. [REDACTED] transferred to the Fleet Reserve on 1 May 1968 and to the Retired List on 1 May 1978. He died in February 1999.

b. The benefits for survivors in effect when [REDACTED] transferred to the Fleet Reserve was the Retired Serviceman's Family Protection Plan (RSFPP). RSFPP was a voluntary, contributory program in which a retiree elected to enroll and had to forfeit a small portion of his or her retired pay each month in order to participate. [REDACTED] did not enroll in RSFPP, choosing instead to receive his full-retired pay.

c. RSFPP was replaced by the Survivor Benefit Plan (SBP) on 21 September 1972. SBP is also a voluntary, contributory program which requires participants to forfeit a small portion of their retired pay. [REDACTED] was mailed enrollment information prior to the beginning of the 21 September 1972 to 20 September 1973 open season. Additional open seasons took place between 1 October 1981 to 30 September 1982 and 1 April 1992 to 31 March 1993. PO2 Ray did not enroll in any of the open seasons.

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED],
USN(RET.) (DECEASED), [REDACTED] DOCKET NO. 02814-99

3. Retired pay stops if a member is not enrolled in RSFPP or SBP.


J. STURDIVANT
Assistant Head,
Retired Activities Branch
(Pers-622C)



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

MEH:tj
Docket No: 2814-99
7 July 1999

[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 7 July 1999. 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 BUPERS Memorandum of 15 June 1999, 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