



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

MEH:ecb
Docket No: 3954-01
17 July 2001



This is in reference to your application for correction of your 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 17 July 2001. 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 NPC memorandum dated 15 June 2001, 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. Also noted was the fact that written concurrence from your spouse was not provided. 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



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

15 Jun 01

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-OOZCB)

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED]

Ref: (a) BCNR memo of 30 May 01
(b) The National Defense Authorization Act of FY-98
(c) PHONCON between DFAS-CL Mr. [REDACTED]
Mr. [REDACTED] of 11 Jun 01

1. Per reference (a), recommend BCNR not correct Petty [REDACTED]'s record to reflect that he terminated enrollment in the Survivor Benefit Plan (SBP) spouse and child(ren) coverage category, effective 1 March 2001.

2. The recommendation is based on the following:

a. Petty Officer [REDACTED] transferred to the Fleet Reserve on 1 March 1998. He enrolled in the SBP spouse and child(ren) category coverage at that time.

b. Per reference (b), Petty Officer [REDACTED] had the opportunity, with his spouse's written concurrence to discontinue participation in the SBP between his second and third year of receiving retired pay. The established procedure for termination is to make a written request to the Defense Finance and Accounting Service-Cleveland (DFAS-CL) utilizing the DD Form 2656-2, Survivor Benefit Plan (SBP) Termination Request. A request for information, or a request for termination that is not made utilizing the DD Form 2656-2 is not a valid request to discontinue. He did not exercise this option to terminate participation in a timely manner.

Subj: COMMENTS AND RECOMMENDATION ICC [REDACTED]

[REDACTED] SECRET NO: 03931 [REDACTED]

3. Per reference (c), DFAS-CL only has a record of Petty Officer [REDACTED] requesting information regarding termination on 13 February 2001. Petty Officer [REDACTED] has not provided sufficient documentary evidence (i.e. copies of record from the notary, certified/registered mail receipts, etc.) that he attempted to terminate participation in SBP within the required timeframe.

[REDACTED]

Head, Retired Admin Section
Casualty Assistance and
Retired Activities
Division (PERS-62)