



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

MEH:ddj  
Docket No: 5639-01  
27 November 2001

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy



Ref: (a) Title 10 U.S.C. 1552  
Encl: (1) DD Form 149 w/attachments  
(2) Series of Documents  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject's former spouse, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show he changed his Survivor Benefit Plan (SBP) coverage from spouse to former spouse under the insurable interest category (during the open enrollment period from 24 September 1983 - 23 September 1984) and then elected former spouse coverage under the spouse category.

2. The Board, consisting of Mr. Cooper, Mr. Mackey, and Ms. Hare, reviewed Petitioner's allegations of error and injustice on 27 November 2001 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), Petitioner submitted documentation showing that the request has merit and warrants favorable action.

#### CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Subject's naval record be corrected, where appropriate, to show that:

a. He changed his SBP spouse coverage from spouse to former spouse as insurable interest beneficiary, effective 23 September 1984. He subsequently elected former spouse coverage under the spouse category, effective 1 March 1986. He named [REDACTED] as the beneficiary.

b. Any unpaid premiums that may be due will be deducted from Mrs. [REDACTED]'s future benefits.

c. Captain [REDACTED] died on 22 December 2000.

d. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

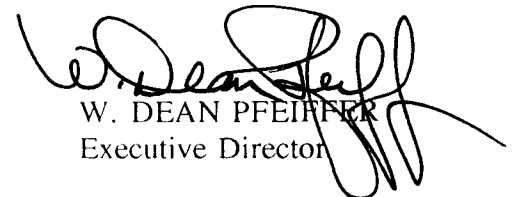
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
G. L. ADAMS  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

27 November 2001

  
W. DEAN PFEIFFER  
Executive Director