



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

MEH:ddj
Docket No: 8111-00
20 March 2001

[REDACTED]

[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 20 March 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 spouse's naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CMC memorandum 1760 MMSR-6J of 26 February 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. 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
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:
1760
MMSR-6J
26 Feb 01

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF THE LATE MASTER SERGEANT
[REDACTED]

Ref: (a) MMER Route Sheet of 14Feb01, Docket No. 8111-00

1. The reference requests an advisory on Mrs. [REDACTED]'s petition to correct Master Sergeant [REDACTED] record to show that he elected spouse coverage under the Reserve Component Survivor Benefit Plan (RCSBP) prior to his death on 13 July 1999.
2. Upon reaching retirement eligibility Master Sergeant [REDACTED] was given the opportunity to elect RCSBP coverage in March of 1982. He did not make an RCSBP election.
3. Master Sergeant [REDACTED] had other opportunities to elect RCSBP coverage during "Open Seasons." The first lasted from 1 April 1992 thru 31 March 1993. Another open enrollment period began on 1 March 1999. Both these "Open Seasons" were highly publicized through periodicals of both the Armed Forces and various associations oriented toward the military community.
4. Unfortunately we cannot find any evidence to indicate that Master Sergeant [REDACTED] chose to participate in the plan during his retirement. Regrettably, Mrs. [REDACTED], therefore, is not entitled to a monthly survivor annuity.

[REDACTED]

Head, Separation and
Retirement Branch
By direction of the Commandant
of the Marine Corps