



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

MEH:ddj
Docket No: 8651-00
20 March 2001



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 BUPERS memorandum of 28 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
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

28 Feb 01

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

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

Subj: COMMENTS AND RECOMMENDATION ICO CAPT [REDACTED]

Ref: (a) BCNR memo of 14 Feb 01
(b) Title 10, United States Code, Section 1448

1. Per reference (a), recommend the BCNR not correct [REDACTED] record to reflect that he enrolled in the Survivor Benefit Plan (SBP) spouse coverage category effective 20 August 2000.

2. The recommendation is based on the following:

a. [REDACTED] transferred to the Retired List on 24 August 1994.

b. [REDACTED] and [REDACTED] were married on 20 August 2000. CAPT Strand passed away on 2 August 2000.

c. Reference (b) states in part that a person who is not married and has no dependent child upon becoming eligible to participate in the Plan but who later marries or acquires a dependent child may elect to participate in the Plan. Such an election must be written, signed by the person making the election and received by Secretary (i.e. Defense Finance and Accounting Service-Cleveland (DFAS-CL)) concerned within one year after the date on which that person marries or acquires that dependent child.

3. In view of the above, [REDACTED] is not eligible for an SBP annuity due to the fact that the member did not meet the one-year survival requirement which would have entitled his spouse to receive an SBP annuity.

[REDACTED]
Head, Navy Retired Activities
Branch (PERS-622)