



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

MEH:ddj  
Docket No: 1376-02  
14 May 2002

[REDACTED]

[REDACTED]

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 14 May 2002. 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 CMC 1741 MMSR-6 of 27 March 2002, 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. You did not provide the necessary written concurrence from your spouse indicating that she concurs with your request to disenroll from the Survivor Benefit Plan (SBP). 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:  
1741  
MMSR-6  
27 Mar 02

From: Commandant of the Marine Corps

To:   
141 Quail Point Drive, Hubert, NC 28539

Subj: SURVIVOR BENEFIT PLAN (SBP)

Ref: (a) Your DD Form 149 dtd 6Jan02

Encl: (1) SBP Information Pamphlet  
(2) SBP Election Certificate


1. By the reference, you requested disenrollment from the SBP and the Board for Correction of Naval Records has asked us for an advisory opinion on your petition.

2. You were automatically enrolled for full spousal coverage because your properly completed SBP enrollment form was not received at the Defense Finance and Accounting Service prior to your transfer to the Fleet Marine Corps Reserve on 31 March 2001. Prior to submitting our opinion to the Board, we wish to ensure that you and your wife fully understand the implications of your request to disenroll from the SBP. Therefore, enclosure (1) is provided for your review and careful study.

3. Federal law requires that both you and your spouse be informed of the SBP options available. If you desire not to participate in the Plan, your spouse must concur in writing with your decision. After you complete enclosure (2) mail it to the Commandant of the Marine Corps (MMSR-6), Headquarters, U.S. Marine Corps, 3280 Russell Road, Quantico, Virginia 22134.

4. Please note the statement which must be completed by your spouse and witnessed by a person other than yourself is on enclosure (2). If this statement is not completed by your spouse, we may not terminate your current SBP coverage.

5. SBP may not be easy to fully understand. If you wish to discuss your case, phone us toll free at 800-336-4649. Weigh your decision carefully as the election you make is irrevocable.

  
Copy to: BCNR