



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

MEH:ddj
Docket No: 1511-02
14 June 2002

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

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) CMC memorandum 1741 MMSR-6 of 8 May 2002
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show timely written request for conversion from spouse to former spouse coverage under the Survivor Benefit Plan (SBP).
2. The Board, consisting of Messrs. Cooper, Hogue, and Milner, reviewed Petitioner's allegations of error and injustice on 29 May 2002 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. Petitioner enrolled in SBP for spouse coverage upon his retirement on 1 September 1993. He and his spouse [REDACTED] were subsequently divorced on 14 March 1997.
 - c. Major General [REDACTED] states in his petition that he fully intended his former spouse remain the beneficiary of the SBP. It was only through misunderstanding that he did not take the proper actions to effect the change from spouse to former spouse coverage within one year of the divorce.
 - d. Petitioner has continued to pay the monthly SBP premiums, assuming that his former spouse would still receive the benefits.

e. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect 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 Petitioner's naval record be corrected, where appropriate, to show that:

a. He executed a written request for conversion from spouse to former spouse SBP coverage, at the same level as previously elected, naming [REDACTED] as the beneficiary. The request was received by the appropriate authority and became effective 15 March 1997, the day following the date of his divorce.

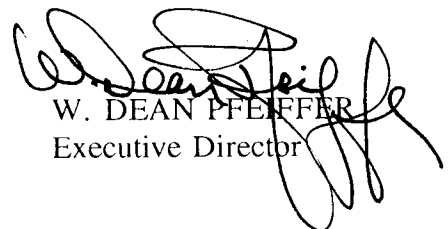
b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

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.

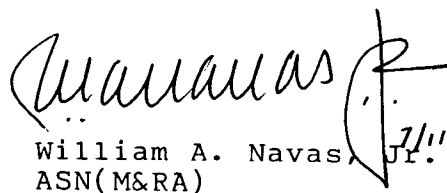
ROBERT D. ZSALMAN
Recorder


G. L. ADAMS
Acting Recorder

5. The foregoing action of the Board is submitted for your review and action.


W. DEAN PFEIFFER
Executive Director

Reviewed and approved:


William A. Navas, Jr.
ASN(M&RA)