



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

MEH:mh
Docket No: 2556-02
9 July 2002

[REDACTED]

Dear [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 9 July 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 spouse's naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CMC memorandum 1760 MMSR-6/5 of 6 June 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. 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-6/5
6 Jun 02

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

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

Ref: (a) MMER Route Sheet of 23May02, Docket No. 2556-02

1. The reference requests an advisory opinion on [REDACTED] petition to correct [REDACTED] records to show that he elected coverage under the Reserve Component Survivor Benefit Plan (RCSBP) prior to his death.
2. [REDACTED] did not elect RCSBP coverage when he became eligible for retirement from the Marine Corps Reserve in 1983. Spousal concurrence was not required at that time. [REDACTED] states in her petition that [REDACTED] intended to elect Survivor Benefit Plan (SBP) coverage when he reached the age of 60 on 6 July 2002. He died on 12 January 2002 at the age of 59.
3. Unfortunately, [REDACTED] was not enrolled in a survivor annuity plan at the time of his death. [REDACTED] is, therefore, not eligible to receive a survivor annuity. We must, regretfully, recommend that her petition not be granted favorable consideration.

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