



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

MEH:ddj
Docket No: 500-03
15 April 2003

[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 15 April 2003. 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 NPC memorandum of 7 March 2003, 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

7 Mar 03

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-OOZCB)

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED]

Ref: (a) BCNR Pay memo of 13 Feb 03
(b) Department of Defense Financial Management Regulation
(DoDFMR) Volume 7B

1. Per reference (a), recommend the BCNR not correct [REDACTED] record to reflect that he elected spouse and child coverage in the Survivor Benefit Plan (SBP) on 1 July 1977.

2. The recommendation is based on the following:

a. [REDACTED] transferred to the Retired List on 1 July 1977. He enrolled his eligible incapacitated child in the SBP at that time.

b. Per reference (b), a member with an eligible spouse, who elects coverage for his or her eligible child is prohibited from providing spouse coverage except during an open enrollment period. [REDACTED] was permitted to enroll his spouse during the 1 October 1981 to 30 September 1982 and the 1 April 1992 to 31 March 1993 open enrollment periods. He did not elect to enroll his spouse during either open enrollment period.

c. Information regarding the SBP open enrollment periods was widely publicized in "Shift Colors" (the Navy retirees' quarterly newsletter) which is provided to all Navy retirees who maintain up to date address information at the Defense Finance and Accounting Service-Cleveland Center (DFAS-CL). It is the responsibility of the service member to ensure that this information is current.

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED]

3. [REDACTED] has not provided sufficient evidence that her spouse intended to enroll her in the SBP. Additionally, [REDACTED] received a retiree account statement, at least once annually, which identified his participation in the child only coverage category.

[REDACTED]
Program Manager
Survivor Benefit Plan
Retired Activities and GI
Bill Programs Branch
(PERS-664)