



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

LCC:ddj
Docket No: 3357-03
19 August 2003

[REDACTED]

[REDACTED]

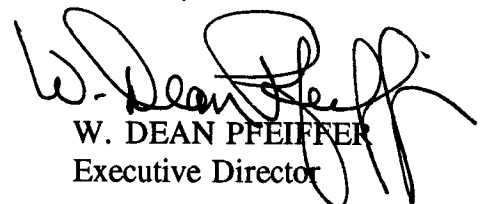
This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 August 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 naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by NPC memorandum 5420 Pers 312 of 2 June 2003, a copy of which is attached.

After careful and conscientious consideration of the entire record, notwithstanding the advisory opinion, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. Your daughter entered into the an orthodontic program for which she was not an eligible recipient. The Board does not have the authority to change the eligibility requirements of a particular plan nor can the Board change the date of birth of an individual. 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

5420
PERS-312
2 Jun 03

EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS
ASSISTANT FOR BCNR MATTERS, PERS-00ZCB

SUBJ: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF


Ref: (a) OZCB ltr of 22 May 03

1. Chief William C. Gates appealed to the Board for correcting errors and/or removes injustices in his TRICARE Dental Program (TDP).
2. Background: The information contained in the Defense Enrollment Eligibility Reporting System (DEERS) provides the basis for family member eligibility. The unpaid Orthodontic Bills for  was from November 30, 1999 through February 1, 2002 with the reasons highlighted. Alisha turned 19 years old on July 29, 2000 and in accordance with requirements for the TRICARE Dental Program was no longer eligible for benefits. The system failed Chief  and his daughter , in that no one informed them that upon Alisha reaching the age of 19, all Orthodontics benefits would terminate. On **October 6, 2001**, Miss  Gates received a letter from Orthodontic Specialists that her orthodontic insurance coverage had reached its maximum and all the unpaid portion would be transferred to her account.
3. Facts and Circumstances: A review of his case reflected that Chief  was paying family dental premiums and his family members were currently enrolled. Some of the Orthodontics visit could not be processed because United Concordia received them more than 12 months after the service was completed. In February 2001 the orthodontic benefits changed and the age limit was increased to age 23 but would not include individuals that had already reached the age of 19 years. Since 's treatment ended prior to the new age limitation, no additional payments would be rendered.
4. Recommendation. Chief  was enrolled in the TRICARE Dental Program (TDP) and relied on individuals that were knowledgeable of the plan to help keep him informed. Due to the breakdown of the system in assisting the service member and his family in understanding all the procedures and rules of the TRICARE Dental Program (TDP), recommend that Chief  be reimbursed for the expenses incurred.


By direction