



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

BAN  
Docket No. 10626-07  
11 August 2008

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your deceased husband's naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 August 2008. 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 deceased husband's naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by HQMC memo 1741 MMSR-6K of 13 May 08.

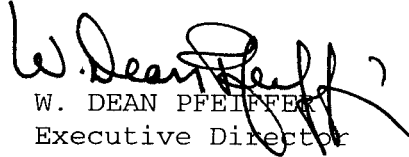
In 1994, your deceased husband requested that the Defense Finance and Accounting Service (DFAS) office change his spouse beneficiary from [REDACTED] his former spouse, to you, [REDACTED] his current spouse. He included a copy of his divorce decree showing that he divorced [REDACTED] in 1973, and his current marriage certificate to you, his current spouse, in 1983. Because he was not married at the time of his retirement in 1975, automatic spouse coverage should not have been established on his account. In addition, because he did not elect coverage for you within one year of your marriage, he could not elect coverage for you unless such an election was made during an open enrollment period authorized by Congress.

Additionally, in May 1994, [REDACTED] was notified that his SBP spouse coverage was being terminated and he was issued a payment in the gross amount of \$4619.89 representing a refund of his SBP spouse premiums. He was informed that he could petition the Board, however, he never took any action.

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. 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 also 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