



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

TRG
Docket No: 8612-08
8 October 2008

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

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

Encl: (1) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, the widow of a retired reservist, filed an application with this Board requesting that Subject's naval record be corrected to show that he made a Reserve Component Survivor Benefit Plan (RCSBP) election on her behalf.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 7 October 2008 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's application was submitted in a timely manner.

c. On 5 September 1996, this Board corrected Subject's record to show that he had 20 qualifying years for reserve retirement and that he transferred to the Retired Reserve effective on 1 October 1994. Subsequently, Headquarters Marine Corps (HQMC) informed him that his record had been corrected. HQMC has stated that at that time they apparently did not provide him the required form for making an RCSBP election. Further, he would have been given another opportunity to make such an election when he reached age 60 and became eligible for retired pay. However, he died on 24 November 2007, 37 days prior to his 60th birthday.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. Given the circumstances, the Board concludes that Subject's record should be corrected to show that he made an Option B RCSBP election naming his spouse as beneficiary at the time of his transfer to the Retired Reserve on 1 October 1994.

The Board further concludes that this Report of Proceedings should be filed in Subject's naval record so that all future reviewers will understand that he elected RCSBP.

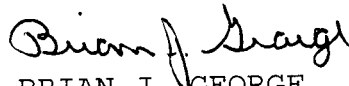
RECOMMENDATION:

a. That Subject's naval record be corrected to show that on 25 November 1996, Subject made an Option B RCSPB election naming his spouse as beneficiary based on the full amount of his retired pay to be effective on 1 January 2008, the date he would have been age 60.

b. That this Report of Proceedings be filed in Subject's naval record.

4. It is certified that a 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


BRIAN J. GEORGE
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

W. DEAN PFEIFFER
Executive Director