



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

DJC
Docket No. 645-09
28 April 2009

Dear [REDACTED]

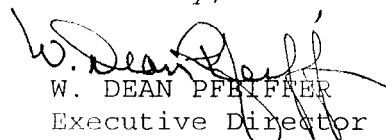
This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 27 April 2009. 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 HQMC Memo 1741 MMSR-6K dtd 4 Mar 09, 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, VA 22134-5103

IN REPLY REFER TO:
1741
MMSR-6K
4 Mar 09

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

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]
[REDACTED]

Ref: (a) MMR Route Sheet of 18 Feb 09, Docket No. 0645-09
(b) Title 10 U.S. Code, Section 1448

1. Reference (a) requests an advisory opinion on [REDACTED] petition to terminate Survivor Benefit Plan (SBP) coverage.

2. Per reference (b), [REDACTED] was enrolled in the Plan upon his retirement on 1 April 2008. Prior to his retirement, [REDACTED] completed the DD Form 2656 (Data for Payment of Retired Personnel) for "spouse only" coverage in the Survivor Benefit Plan. [REDACTED] election was a valid election and not due to an administrative error. [REDACTED] may request disenrollment from the Plan, with the properly documented spousal concurrence, between the 25th and 36th month following commencement of receipt of retired pay. Should he still wish to terminate SBP coverage at that time, and his wife consents, it is recommended he complete a DD Form 2656-2 (Survivor Benefit Plan Termination Request) and contact the Defense Finance and Accounting Service at 1-800-321-1080.

3. Based on the above, it is recommended that [REDACTED] petition not be granted favorable consideration.

4. Point of contact is Katharina Constance, MMSR-6,
(703) 784-9311.

S. M. Hanscom
Head, Separation and
Retirement Branch
By direction of the Commandant
of the Marine Corps