



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

DJC  
Docket No. 3270-09  
9 September 2009

[REDACTED]

Dear [REDACTED]

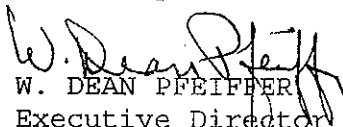
This is in reference to your application for correction of your deceased former husband's naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 September 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 NPC Memo dtd 19 Aug 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

19 Aug 09

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS (BCNR)

Via: Assistant for BCNR Matters (PERS-31C)

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED]

DOCKET NO. 03270-09

Ref: (a) BCNR memo of 17 Jun 09

1. In response to reference (a), recommend the BCNR not correct [REDACTED] record to reflect that he enrolled in the Survivor Benefit Plan (SBP).

2. The recommendation is based on the following:

a. [REDACTED] was married when he transferred to Permanent Disability Retired List (PDRL) on 1 December 1955. He died 19 November 1980.

b. Public Law 92-425 of 21 September 1972 established the Survivor Benefit Plan (SBP). Retirees were mailed information packages explaining the new program and offering them an opportunity to enroll during the period 21 September 1972 through 20 September 1973. [REDACTED] did not enroll his spouse during the initial open enrollment period.

c. [REDACTED] and [REDACTED] were divorced on 4 October 1973.

3. [REDACTED] did not enroll in the SBP, therefore [REDACTED] is not eligible to receive an SBP annuity.



BASIL COLEMAN  
Deputy Director  
Casualty Assistance Division  
(N135C)  
Acting

AUG 27 1989