



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

WJH  
Docket: 3586-09  
4 February 2010

[REDACTED]

This is in reference to your application for correction of your naval record received on 7 April 2009.

Title 10, United States Code, Section 1552, is the law governing the correction of military records. This law gives you the right to apply to the Board for Correction of Naval Records (the Board) to correct errors or injustice in your military records. A DD Form 149, Application for Correction of Military Records, is the form used to apply to the Board for a correction of your naval record. Under the rules governing the Board, the applicant must identify exactly what error or injustice occurred and what should be corrected in the record. Additionally, the applicant is responsible for providing documents and evidence with the DD Form 149 to support the request for correction and to demonstrate by substantial evidence that an error or injustice has occurred. The Board will review available official military records, but will not serve as an investigative body.

Your application is vague regarding what change you are requesting and the reasons why you believe you are entitled to the changes sought. Your application states that you seek the following as the "specific correction action required": "Government pay all taxes," "nineteenth millions dollars," "100% V.A. edgeability," "correction of all records." An attached letter states that you also wish to inquire about the Survivor Benefit Plan.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 February 2010. 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

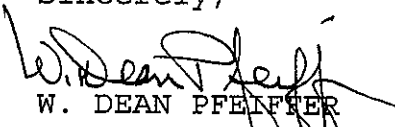
application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

Review of your naval record shows that you were placed on the Temporary Disability Retired List in February 1986 after approximately five years and seven months of service. You were later placed on the permanent retired list effective 1 March 1989. However, the Board found no evidence of an error or injustice in your record that would warrant the corrective action that you sought or any other change to your record. Accordingly, your application has been denied.

In reply to your request for information about the Survivor Benefit Plan, the following is provided. The Uniformed Services Survivor Benefit Plan (SBP) was created by Congress in 1972 to allow a means by which survivors can continue to receive a portion of military retired pay after the death of the retiree. Without it, retired pay stops completely on the date of death of the retiree. Military members may elect to participate at the time of retirement. Elections are generally permanent and irrevocable. Additional information about the SBP can be found at: <http://www.dfas.mil/retiredpay/survivorbenefits.html>. If you need further advice and assistance in understanding the SBP program, as a retiree you should be eligible for legal assistance at government expense. The nearest legal assistance office is at the Scott Air Force Base at the following address: 375 AW/JA 101 Heritage Drive Suite 210 [Bldg P-3] Scott AFB, IL 62225 Phone: 618-256-3542.

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.

Sincerely,

  
W. DEAN PFENFFER  
Executive Director