



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD SUITE 1001
ARLINGTON VA 22204-2490

BAN
Docket No. NR02845-13
11 October 2013

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

Subj: [REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(2) Survivor Benefit Plan Program Manager Casualty Assistance
(PERS-13) of 6 Sept 2013

1. Pursuant to the provisions of reference (a) Petitioner filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show that he enrolled in the Reserve Component Survivor Benefit Plan (RCSBP), Under Option B with full spousal coverage within one year of his marriage to [REDACTED]

2. The Board, consisting of Messrs. Pfeiffer, Zsalman and Exnicios reviewed Petitioner's allegations of error and injustice on 11 October 2013 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. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective

action.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, as follows:

a. Petitioner submitted a timely written request to enroll in RCSBP under Option B, with full spousal coverage for [REDACTED]. His request was received and processed by cognizant authority and became effective 6 August 1995, one day after his date of marriage.

Note: Petitioner received his Notification Of Eligibility (NOE) on 13 March 1995 and elected Option B, maximum RCSBP spouse and child category of coverage. He divorced [REDACTED] however, there was no former spouse provision in the divorce decree. Petitioner maintained RCSBP coverage under Option B for spouse and child. He married [REDACTED] and requested RCSBP coverage under Option B, for [REDACTED] within the one year requirement.

c. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

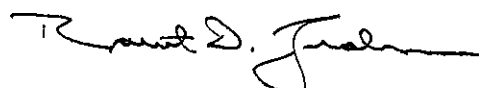
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


BRONTE I. MONTGOMERY
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.

11 October 2013


W. DEAN PFEIFFER
Executive Director