



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

MEH:ddj

Docket No: 4790-99

13 October 1999



This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 October 1999. 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 BUPERS memorandum of 24 September 1999, 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

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000

24 Sep 99

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

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED]
USN(RET.), [REDACTED] DOCKET NO. 04790-99

Ref: (a) BCNR memo of 2 Aug 99
(b) DOD Financial Management Regulation (Vol 7B)

1. Per reference (a), recommend the BCNR not correct SCPO [REDACTED] record to reflect that he elected to participate in the Survivor Benefit Plan (SBP) with spouse coverage effective 1 March 1999, the commencement of the current SBP Open Enrollment Season.

2. The recommendation is based on the following:

a. [REDACTED] transferred to the Fleet Reserve on 7 May 1970. He did not enroll in SBP because he had no eligible beneficiaries in September 1972.

b. [REDACTED] divorced his first wife on 8 May 1970 and remarried his current wife on 14 August 1975.

c. Per reference (b), if a member has no eligible beneficiaries and later marries or remarries, he or she may within 1 year enroll in SBP.

3. Currently, there is an open season from 1 March 1999 - 28 February 2000. The retiree must pay back premiums based on the number of years that have elapsed since the member's first opportunity to participate in the SBP. If a member was not married at the time of retirement, but married later, it would be the first anniversary of the marriage, per Public Law 105-261.

M. P. WARDLAW

Head, Navy Retired Activities
Branch (PERS-622)