



DEPARTMENT OF THE AIR FORCE

WASHINGTON, DC

JUN 30 1998

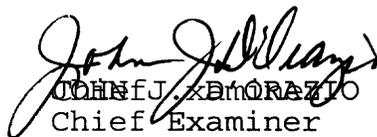
Office of the Assistant Secretary

AFBCMR 97-03766

MEMORANDUM FOR THE CHIEF OF STAFF

Under the authority of Section 1552, Title 10, United States Code and Air Force Instruction 36-2603, and having assured compliance with the provisions of the above regulation, the decision of the Air Force Board for Correction of Military Records is announced, and it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED], be corrected to show that, on 31 August 1996, he elected Survivor Benefit Plan (SBP) spouse and child coverage based on \$421.00 and his spouse concurred in the election.


JOHN J. BORAZIO

Chief Examiner
Air Force Board for Correction
of Military Records



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AFBCMR 97-03766

MEMORANDUM OF CONSIDERATION OF APPLICATION BEFORE THE AFBCMR

SUBJECT: [REDACTED]

Having carefully reviewed this application, we agree with the recommendation of the Air Force office of primary responsibility and adopt the rationale expressed as the basis for our decision that the applicant has been the victim of either an error or an injustice. Therefore, under the authority delegated in AFI 36-2603, the applicant's records will be corrected as set forth in the accompanying Memorandum for the Chief of Staff signed by the Executive Director of the Board or his designee.

Handwritten signature of James D. Marking in cursive script.

Panel Chair

Attachment:

Ltr, HQ AFPC/DPPTR, dtd Apr 20, 1998,
w/Atchs



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
RANDOLPH AIR FORCE BASE TEXAS

20 APR 1998

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPT
550 C St West Ste 11
Randolph AFB TX 778150-4713

SUBJECT: Application for Correction of Military Records

Requested Correction: The applicant is requesting corrective action that would permit him to reduce his spouse and child coverage under the Survivor Benefit Plan (SBP).

Basis for Request: The member claims a mistake was made on his SBP election form during his retirement processing.

Background: When a member fails to make a valid SBP election prior to retirement, full coverage is established by operation of law.

Facts: The applicant and his wife were briefed on the options and effects of the SBP at Fairchild AFB WA prior to his 1 Sep 96 retirement. However, the member failed to indicate he wanted spouse and child coverage and only checked the block on the form to show reduced coverage. Although his wife concurred in the election, the absence of the beneficiary category on the DD Form 2656, Data For Payment of Retired Personnel, invalidated the election. Therefore, the Defense Finance and Accounting Service - Cleveland Center (DFAS-CL) established full spouse and child coverage to comply with the law.

Discussion: There is no record that the petitioner attempted to seek correction for over 14 months. Had we received a timely request to correct the omission of the beneficiary category, we could have administratively corrected the election using our authority under Title 10 USC Section 1454. Nevertheless, it would be inappropriate to penalize him because of an oversight. The applicant has included a notarized statement signed by his wife, concurring in his request to decrease the SBP base amount.

Recommendation: We recommend that the member's record be corrected to reflect that on 31 Aug 96 he elected spouse and child SBP coverage based on \$421. The approval memorandum should indicate the member's wife concurred with his election.

PAT PEEK, DAFC
Chief, Retiree Services Branch
Directorate of Pers Program Management

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