



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, DC

JUL 27 1998

Office of the Assistant Secretary  
AFBCMR 98-00268

MEMORANDUM FOR THE CHIEF OF STAFF

Under the authority of Section 1552, Title 10, United States Code, 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 **6 November 1995**, he elected, under the **Survivor Benefit Plan (SBP)**, to add child coverage to his spouse only coverage based upon a reduced level of retired pay.

A handwritten signature in cursive script that reads "Donna Pittenger".

DONNA PITTENGER  
Chief Examiner  
Air Force Board for Correction  
of Military Records



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**AFBCMR 98-00268**

MEMORANDUM OF CONSIDERATION OF APPLICATION BEFORE THE AFBCMR

SUBJECT: [REDACTED]

Having carefully reviewed this application, we agree with the recommendation of the Air Force 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.

Panel Chair

Attachment:  
Ltr, AFPC/DPPTTR, dtd **21 May 98**



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

21 MAY 1993

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPTR  
550 C Street West Ste 11  
Randolph AFB TX 78150-4713

SUBJECT: Application for Correction of Military Records

Reference: [REDACTED]

Requested Correction: The applicant is requesting corrective action that would allow him to add a child acquired after he retired to his spouse only coverage under the Survivor Benefit Plan (SBP).

Basis for Request: The applicant claims he mailed the request to enroll his son to the Defense Finance and Accounting Service-Cleveland Center (DFAS-CL) within one year of the date of adoption.

Background: A member, who does not have eligible children at retirement, may elect coverage for a newly acquired child; however, the election must be filed within the first year after gaining the child. Coverage is effective upon receipt of the election by DFAS-CL and costs begin the first day of the month following the date the election is filed.

Facts: The applicant elected spouse only SBP coverage, reduced annuity, prior to his 1 May 87 retirement. Records indicate he had no eligible children at that time, however, he adopted a son, Cameron (born 27 Aug 93) on 6 Nov 95. DFAS-CL received a request for child SBP coverage on 18 Nov 96, after the one-year time limit had expired.

Discussion: The Certificate of Birth (copy enclosed in file) clearly shows that it was not issued until 22 Oct 96, almost a year after the adoption was finalized. It would be inappropriate to penalize the member for something out of his control. Additionally, his repeated calls to DFAS-CL attempting to correct the record indicates his honest desire to provide coverage for the child. It is appropriate that the member be given an opportunity to select the SBP coverage he considers best for his family.

Recommendation: While there is no evidence of an Air Force error in this case, in the interest of justice, we recommend the member's record be corrected to show that on 6 Nov 95, he elected to add his child to his spouse only coverage based upon a reduced level of retired pay. Approval should be contingent upon recoupment of any applicable premiums.

*Pat PEEK*  
PAT PEEK, DAFC  
Chief, Retiree Services Branch  
Directorate Pers Programs Mgmt

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