



DEPARTMENT OF THE AIR FORCE
WASHINGTON, D.C.

AUG 2 11998

Office of the Assistant Secretary
AFBCMR 98-00486

MEMORANDUM FOR THE CHIEF OF STAFF

Under the authority of Section 1552, Title 10, United States Code and AFI 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 15 October 1986, he elected under the Survivor Benefit Plan to change his coverage from "spouse and child coverage" to "former spouse coverage," naming [REDACTED] as former spouse beneficiary, based on full retired pay.

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

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



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

31 JUL 1998

MEMORANDUM FOR AFBCMR

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

SUBJECT: Amendment For AFBCMR Docket Number 98-00486

Reference: [REDACTED]

Background: The applicant, former spouse of the above-named retired member, requested corrective action that would entitle her to a Survivor Benefit Plan (SBP) annuity.

Facts: Our previous advisory, dated 2 Jun 98, indicated that the member elected child coverage and that coverage continued until his death because the record reflected the youngest child was incapable of self-support. We stated that the child is now receiving SBP payments, but the applicant confirmed her son is gainfully employed and is not receiving the SBP benefit.

Discussion: The incorrect statement on our original advisory does not change the facts in this case, and our original recommendation to grant relief remains unchanged.

A handwritten signature in cursive script that reads "Pat PEEK".

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



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

72 JUN 1986

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, former spouse of the above-named retired member, is requesting corrective action that would entitle her to a Survivor Benefit Plan (SBP) annuity.

Basis for Request: The applicant claims the decedent did not continue SBP coverage on her behalf as the court stated for him to do.

Backwound: A spouse's eligibility to receive an annuity terminates upon divorce. However, the law provides two mechanisms for changing spouse to former spouse coverage. Both must be exercised within the first year following divorce: the retiree may file an election change, or the former spouse may request the retiree be deemed to have made such a change on his or her behalf. In the latter case, the former spouse must provide legal documentation that the member agreed, or the court ordered the member, to establish former spouse coverage. If neither the member nor the former spouse requests the election change within the one-year eligibility period, former spouse coverage may not be established thereafter.

Facts: The decedent, a retired Reservist, elected spouse and child coverage based on full retired pay prior to his 60th birthday (28 Sep 77). At that time, the member indicated that his youngest child was disabled. The parties divorced on 14 Oct 86. Premiums for spouse coverage were terminated by DFAS Nov 86. Child coverage continued until the member's 9 Sep 96 death. That child is now receiving the SBP annuity.

Discussion: Although the decedent made no election change during the required one-year time limit following divorce, correspondence provided by the applicant serves to confirm his intent to continue SBP coverage for his former spouse. To deny this request would be to deny the applicant an asset awarded her by the court.

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Recommendation: Although there is no evidence of Air Force error, to preclude a possible injustice, we recommend that the member's record be corrected to reflect that on 15 Oct 86, he elected to change SBP spouse to former spouse coverage, naming [REDACTED] as the former spouse beneficiary. Approval should be contingent upon recoupment of appropriate premiums.

[REDACTED]

Chief, Retiree Services Branch
Directorate of Pers Program Mgmt

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