



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

OCT 22 1998

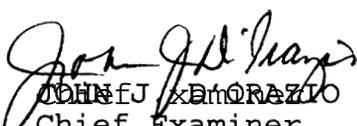
Office of the Assistant Secretary

AFBCMR 98-01639

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 on 25 October 1981 he changed his Survivor Benefit Plan (SBP) election from spouse coverage to former spouse coverage based on reduced retired pay, naming [REDACTED] as the former spouse beneficiary.


JOHN F. DIORAZIO
Chief Examiner
Air Force Board for Correction
of Military Records



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AFBCMR 98-01639

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.


Panel Chair
Panel Chair

Attachment:
Ltr, HQ AFPC/DPPT, dtd Oct 1, 1998,
w/Atch



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

MEMORANDUM FOR AFBCMR

1 OCT 1998

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

SUBJECT: Application for Correction of Military Records

Requested Correction: The applicant is requesting corrective action that would allow him to establish Survivor Benefit Plan (SBP) coverage for his former spouse.

Basis for Request: The applicant claims that at the time of his divorce he was not aware of the necessity of filing a "deemed" (sic) election to ensure SBP coverage for his former spouse.

Background: A spouse's eligibility to receive an SBP annuity terminates upon divorce. Public Law (PL) 98-94 (24 Sep 83) permitted retirees to elect former spouse coverage; however, the retiree must file an election change within one year following the divorce. If the retiree does not request a change to former spouse coverage within a year, former spouse coverage may not be established thereafter. Even though SBP premiums continue to be deducted from retired pay following divorce, the former spouse is not entitled to receive the annuity in the event of the member's death.

Facts: The applicant and retiree were married prior to his 1 Feb 75 retirement and he elected reduced spouse only coverage under the SBP. The parties divorced effective 24 Oct 88, but the divorce decree did not address the SBP. There is no evidence the decedent notified the finance center of his change in marital status and SBP premiums continued to be deducted from his retired pay.

Discussion: Although the applicant made no election change during the required one-year time limit following divorce, there is no evidence that he requested the applicant's coverage be terminated.

Recommendation: Although there is no evidence of Air Force error, we recommend that the member's record be corrected to reflect that on 25 Oct 88, he elected former spouse coverage based on the previous reduced level of retired pay, naming [REDACTED] as the former spouse beneficiary. Approval should be contingent upon recoupment of appropriate premiums.

Pat PEEK

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

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