

ADDENDUM TO
RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00130

(FMR SERVICE MEMBER)

COUNSEL: NONE

(APPLICANT)

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

Her former-spouse's records be corrected to reflect he made a timely election for former-spouse coverage under the Survivor Benefit Plan (SBP).

STATEMENT OF FACTS:

A similar appeal was considered and denied by the Board on 25 Oct 12. While the Air Force office of primary responsibility recommended that relief be granted in the interest of justice, the Board found that it would not be appropriate to do so in the absence of documentation confirming there was not a competing beneficiary of the SBP benefits. As such, the Board denied the applicant's request until such time as she could provide conclusive evidence there was no competing party. For an accounting of the facts and circumstances surrounding the applicant's request, and the rationale for the earlier decision by the Board, see the Record of Proceedings, with Exhibits, at Exhibit G.

By virtue of a letter, dated 28 Nov 12, the former service member has submitted a notarized statement stating he has not remarried and wishes his former spouse receive the SBP annuity (Exhibit H).

THE BOARD CONCLUDES THAT:

In an earlier finding, the Board determined that there was insufficient evidence to warrant any corrective action due to the potential of a competing beneficiary. However, the service member has since provided a notarized statement indicating there is no competing spouse. Therefore we believe sufficient evidence has been provided reflecting the applicant's entitlement to former spouse coverage under the SBP. Moreover, the court has ordered the coverage, and there is no competing spouse.

Therefore, we recommend the former service member's records be corrected as indicated below.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to the Former Service Member be corrected to show that on 1 February 2009, he elected former spouse coverage under the Survivor Benefit Plan (SBP) based on full retired pay, naming the APPLICANT as the eligible beneficiary.

The following members of the Board considered AFBCMR Docket Number BC-2012-00130 in Executive Session on 2 January 2013, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

All members voted to correct the records as recommended. The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-00130 was considered:

- Exhibit G. Record of Proceedings, dated 31 Oct 12, w/Exhibits.
- Exhibit H. Reconsideration Request, dated 28 Nov 12, w/atchs.

Panel Chair