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**UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS**

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ADDENDUM TO RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2016-04676-2

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COUNSEL: Work-Product

HEARING REQUESTED: Work-...

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APPLICANT'S REQUEST

The Board reconsider his request to change his child only coverage under the Survivor Benefit Plan (SBP) to spouse and child coverage.

RESUME OF THE CASE

The applicant is a retired Air Force technical sergeant (E-6).

On 12 Jul 18, the Board considered and denied the applicant's request to add his current spouse as his SBP beneficiary, finding the applicant had provided insufficient evidence of an error or injustice to justify relief. The applicant was married, had eligible children, and elected child only SBP coverage based on full retired pay prior to his 1 Apr 05 retirement, and his then-spouse (now former spouse) concurred with the election. There was no evidence that the applicant was improperly counseled at the time of his retirement regarding the options and effects of SBP. His former spouse signed DD Form 2656, *Data for Payment of Retired Personnel*, acknowledging the decision to elect child only coverage and that the decision was irrevocable. Since the applicant excluded his first spouse as an SBP beneficiary, he cannot elect coverage for his current spouse.

For an accounting of the applicant's original request and the rationale of the earlier decision, see the AFBCMR Letter and Record of Proceedings at Exhibit F.

On 12 Jun 23, the applicant requested reconsideration of his request. He again contends his divorce decree does not grant any authority for his former spouse to receive SBP benefits. He elected to remove her from his SBP due to her infidelity. His current spouse is faithful, takes very good care of him and deserves the benefit of his SBP. Despite previous attempts, the Defense Finance and Accounting Service (DFAS) Retired Pay section has consistently denied adding his spouse as his SBP beneficiary, citing regulations. He insists that it is his legal right to designate his spouse as a beneficiary and stresses the importance of this correction for her financial security. If his request is disapproved, his spouse will have insufficient income to survive and pay for required health care, food, and housing expenses after his death. In support of his reconsideration request, the applicant submitted the following new evidence: (1) DD Form 2656-6, *Survivor Benefit Plan Election Change Certificate*; (2) DFAS Letter, dated 23 May 23, stating since he was married with a dependent child at the time of his retirement and elected to exclude his then-spouse from his SBP, he is unable to enroll his current spouse. Occasionally, congress authorizes an Open Season enrollment period to allow retirees to enroll in SBP when they previously were not allowed. If an open enrollment period becomes available, he will be informed.

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The applicant's complete submission is at Exhibit G.

APPLICABLE AUTHORITY/GUIDANCE

Public Law (PL) 99-145, 8 Nov 85, established the requirement that a spouse's written concurrence be obtained if a member, who retires on or after 1 Mar 86, elects less than full spouse SBP coverage (Title 10, USC Section 1448 (a)(3)). If the spouse does not concur in the election, coverage will be established on the spouse's behalf by operation of law. When a member fails to elect SBP coverage for an eligible spouse, coverage cannot be established thereafter except during a Congressionally mandated open enrollment period. When child SBP coverage is established, all eligible children are potential beneficiaries. In the event of the member's death, an annuity will be paid in equal shares to the children who remain eligible. Unmarried children remain eligible until age 18, or 22 if in school full-time.

FINDINGS AND CONCLUSION

1. The application was timely filed.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board remains unconvinced the evidence presented demonstrates an error or injustice. The applicant was married at retirement and elected to exclude his then-spouse from SBP. By law, based on his election he is unable to enroll his current spouse in SBP unless congress authorizes an open enrollment period specific to his election category. The Board took note of DD Form 2656-6 and DFAS letter and finds the new evidence is not sufficient to overturn the previous Board's decision. Therefore, the Board recommends against correcting the applicant's records.

RECOMMENDATION

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

CERTIFICATION

The following quorum of the Board, as defined in Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2016-04676-2 in Executive Session on 28 Mar 24:

Work-Product, Panel Chair
Work-Product, Panel Member
Work-Product, Panel Member

All members voted against correcting the record. The panel considered the following:

- Exhibit F: Record of Proceedings, w/ Exhibits A-E, dated 12 Jul 18.
- Exhibit G: Recon Request, DD Form 149, w/atchs, dated 12 Jun 23.
- Exhibit H: Documentary evidence, including relevant excerpts from official records.

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Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

9/10/2025

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Board Operations Manager, AFBCMR
Signed by: USAF

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