RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2016-03000

 COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

Her Reserve Component Survivor Benefit Plan (RCSBP) election to be changed from the automatic election of “Option C, Immediate annuity beginning on the day after date of death,” to “Option A, defer making an election until Age 60.”

APPLICANT CONTENDS THAT:

The RCSBP election was selected for her because of non-responsiveness on her part. She was unaware she was required to make an RCSBP election at 20 years of service.

The applicant’s complete submission, with attachments, is at Exhibit A.

STATEMENT OF FACTS:

On 25 Jul 08, the applicant was issued a memorandum from AFPC/DPPR notifying her she had completed the required years of service to be entitled to retired pay at age 60, and she was eligible to participate in RCSBP.

On 30 Jun 15, the applicant was issued a memorandum from ARPC/DPTTS notifying her of her mandatory separation date of 1 Jun 16, based upon having completed 28 years of commissioned service.

The remaining relevant facts pertaining to this application are contained in the memorandum prepared by the Air Force office of primary responsibility (OPR), which is attached at Exhibit C.

AIR FORCE EVALUATION:

AFPC/DPTT recommends denial indicating there is no evidence of an error or an injustice. Per Title 10, United States Code (USC) Subsection 1448(a)(4)(B), an RCSBP election is irrevocable if not revoked before the end of the 90-day period prescribed. Members of the Air Force Reserve and Air National Guard are sent a certified letter of their eligibility for the (RCSBP) and an explanation of the program and guidance on making elections. If there is no response, an automatic election is made on the member’s behalf. The PS 3811, *Domestic Return Receipt*, acknowledging receipt of this notification and guidance was signed by the applicant on 11 Aug 08 (Atch 2).

Recommend denial. The applicant received the guidance and instructions on the program at the initial time of eligibility and did not respond within the prescribed timeframe.

A complete copy of the AFPC/DPTT evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 16 Aug 17 for review and comment within 30 days (Exhibit D). As of this date, no response has been received by this office.

THE BOARD CONCLUDES THAT:

1.  The applicant has exhausted all remedies provided by existing law or regulations.

2.  The application was timely filed.

3.  Insufficient relevant evidence has been presented to demonstrate the existence of an error or injustice. We took notice of the applicant’s complete submission in judging the merits of the case; however, we agree with the opinion and recommendation of AFPC/DPTT and adopt its rationale as the basis for our conclusion the applicant has not been the victim of an error of injustice. Therefore, in the absence of evidence to the contrary, we find no basis to recommend granting the requested relief.

THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of material error or injustice; the application was denied without a personal appearance; and the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

The following members of the Board considered AFBCMR Docket Number BC-2016-03000 in Executive Session on 21 Mar 18 under the provisions of AFI 36-2603:

 Chair

 Member

 Member

The following documentary evidence pertaining to AFBCMR Docket Number BC-2016-03000 was considered:

 Exhibit A.  DD Form 149, dated 21 Jul 17, w/atchs.

 Exhibit B.  Master Personnel Records [Excerpt].

 Exhibit C.  Memorandum, AFPC/DPTT, dated 20 Oct 16, w/atchs.

 Exhibit D.  Letter, SAF/MRBR, dated 16 Aug 17.

Pursuant to paragraph 1 of AFI 36-2603 (Title 32 Code of Federal Regulations, Part 865.1), it is certified a quorum was present at the Board's review and deliberations, and the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.