



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01095

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

He be disenrolled from the Survivor Benefit Plan (SBP) and reimbursed all SBP premiums deducted from his retired pay.

APPLICANT'S CONTENTIONS

He submitted an election for spouse only coverage during the 2023 Open Season. When he was informed of the buy-in amount, he called the Defense Finance and Accounting Service (DFAS) to cancel but was told that since he did not submit his buy-in paperwork he was automatically enrolled in SBP and \$5,100 was deducted from his retired pay. He called DFAS again and was told his spouse was enrolled in SBP, and no further action was required. He received a letter, dated 1 Jun 24, stating he owed \$99,763.78, with a buy-in of \$8,982.49 and a monthly payment of \$748.54. He requests his SBP be cancelled and the buy-in payment of \$5,100 be returned because he cannot afford the plan. His current monthly retired pay is \$3,750. His mortgage payment and SBP payment combined equals \$3,210.02, leaving him only \$540 to buy food and pay other bills.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force master sergeant (E-7).

On 1 Mar 85, according to Special Order **Work-Product**, dated 5 Jul 84, the applicant retired from the Regular Air Force.

On 14 Oct 87, according to a Certificate of Marriage, provided by the applicant, he married his current spouse.

On 19 Apr 23, the applicant submitted a Letter of Intent (LOI) to DFAS with his intent to enroll in spouse only SBP coverage during the 2023 SBP Open Season.

On 11 Sep 23, according to *Survivor Benefit Plan (SBP) and Reserve Component Survivor Benefit Plan (RCSBP) Open Enrollment Election*, the applicant elected spouse only SBP coverage based on full retired pay.

For more information, see the excerpt of the applicant's record at Exhibit B and the advisory at Exhibit C.

AFBCMR Docket Number BC-2024-01095

Work-Product

Work-Product

AIR FORCE EVALUATION

AFPC/DPFC (Casualty Matters Division) recommends denying the application. Per DoD Person Search, the applicant was not married at the time of his 1 Mar 85 retirement; therefore, he would have been eligible to cover the first new spouse acquired after retirement within the first year of that marriage. To elect coverage, the applicant would have been required to submit DD Form 2656-6, *Survivor Benefit Plan Election Change Certificate*, or a written statement and the marriage certificate to DFAS prior to the one year anniversary of the marriage. If the applicant took no action within the first year of the marriage, the spouse is no longer eligible for SBP coverage. The only opportunity to elect coverage beyond that one year is in the event there is a congressionally mandated open season that allows changes in category as authorized within that law.

Under Public Law 117-263, Congress established an SBP Open Season period beginning 23 Dec 22 and ending 1 Jan 24. The open enrollment period was for retired service members who desired to enroll but were not participating in SBP as of the date referenced above, or to disenroll if they were participating as of the same date. The decision to elect coverage is a voluntary choice with members being aware of the legal obligation of payment as outlined in the SBP Open Season election form. As an additional safety measure, the Office of the Secretary of Defense Open Season guidance, provides the option to disenroll up to 30 days after electing SBP coverage, based on the date the member signed the election form.

On 19 Apr 23, the applicant signed an LOI to enroll in SBP, requesting spouse only coverage at full gross retirement pay. DFAS provided the applicant with the details for payment options and buy-in premiums with an effective date of estimate of 1 Jul 23, showing a base cost of \$3,634, a monthly premium of \$236.21, and a buy-in premium estimate of \$105,181.95. On 11 Sep 23, the applicant signed and submitted to DFAS an SBP Open Enrollment Election form enrolling in spouse only coverage and elected to pay buy-in premiums in 12 equal monthly installments. Additionally, on 7 Nov 23, the applicant provided DFAS copies of his divorce decree from his former spouse and marriage certificate to his current spouse. Later, the applicant submitted an undated letter to DFAS requesting to disenroll from SBP. On 27 Jan 24, DFAS responded to the applicant, denying his request due to not receiving the cancellation notice within the 30-day window to withdraw from SBP enrollment.

There is no evidence of an error or injustice, nor any basis in the law to grant the applicant's request. The applicant received a detailed breakdown of the buy in premiums and monthly cost estimates and deliberated for over two months before electing to participate.

The complete advisory opinion is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 19 Aug 24 for comment (Exhibit D) but has received no response.

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 concludes the applicant is not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DPFC and finds a preponderance of the evidence does not substantiate the applicant's contentions. The applicant received detailed information and cost estimates for enrollment in the SBP Open Season and had ample time to consider the options before making a voluntary election to participate. By law, the applicant had 30 days from the date he elected coverage to cancel participation in the open enrollment but failed to notify DFAS within the 30-day period as required. 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-2024-01095 in Executive Session on 23 Jan 25:

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 A: Application, DD Form 149, w/atchs, dated 25 Jun 24.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory, AFPC/DPFC, w/atchs, dated 7 Aug 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 19 Aug 24.

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.

5/12/2025

X

Work-Pr...

Board Operations Manager, AFBCMR

Work-Product

AFBCMR Docket Number BC-2024-01095

Work-Product