



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01382

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His record be changed to show he made a timely election for spouse only coverage based on full gross pay under the Survivor Benefit Plan (SBP).

APPLICANT'S CONTENTIONS

While reviewing his SBP recently, he discovered he elected spouse only coverage at a reduced rate. This was an error on his part, and an injustice to his wife. He would like to change his election to coverage based on full gross pay and provide fundamental survivor fairness. On 22 Oct 23, he submitted DD Form 2656-6, *Survivor Benefit Plan Election Change Certificate*, to the Defense Finance Accounting Service (DFAS). On 25 Mar 24, DFAS advised him they could not change his level of SBP coverage unless he was remarried. He is not remarried; he has been married to his spouse since 3 Dec 66. DFAS indicated he could submit a DD Form 149, *Application for Correction of Military Record Under the Provisions of Title 10, U.S. Code, Section 1552*, to his Service's Board for Correction of Military Records (BCMR).

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force colonel (O-6).

On 3 Dec 66, according to a Certificate of Marriage, provided by the applicant, he married his spouse.

On 7 Oct 96, according to DD Form 2656, *Data for Payment of Retired Personnel*, the applicant elected Option A, *I elect coverage for spouse only*, based on a reduced base amount of \$1,265, and his spouse concurred with the election.

On 1 Nov 96, according to Special Order Work-Product, dated 27 Sep 96, the applicant retired from the Regular Air Force.

On 22 Oct 23, according to DD Form 2656-6, provided by the applicant, the applicant amended his election for level of coverage to "Full Retired Pay" and submitted the form to DFAS.

On 23 Mar 24, DFAS denied the applicant's request, indicating that due to his election for the reduced level of coverage at retirement with spousal concurrence, he cannot change his level of SBP coverage until he is remarried. Furthermore, Congress allows an Open Season to allow

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changes in level of coverage. He will be notified when an Open Season is in place; however, if he does not wish to wait for an Open Season, he may seek relief through his Service's BCMR.

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

AIR FORCE EVALUATION

AFPC/DPFC (Casualty Matters Division) recommends denying the application. SBP is similar to commercial life insurance in that an individual must elect to participate during the opportunities provided by law and pay the associated premiums in order to have coverage. All retiring service members are required to attend a mandatory SBP briefing with a certified SBP counselor prior to the member's retirement date. Under Title 10, U.S.C. Chapter 73, a member who becomes eligible to receive retired pay may elect a reduced base amount that is not less than \$300.

DoD Person Search via Defense Enrollment Eligibility Reporting System (DEERS) shows the applicant was married to his spouse on the date of his retirement (1 Nov 96) and they remain married. Prior to retirement on 7 Oct 96, the applicant completed and signed DD Form 2656, electing spouse only coverage at a reduced amount of \$1265, with spousal concurrence. The applicant's retired pay statement accurately reflects his election for SBP spouse only coverage at the reduced rate.

The applicant submitted a signed DD Form 2656-6, along with supporting documents through *askDFAS* on 24 Oct 23. Under Section III, the applicant elected Option 2, *Increase existing level of coverage – up to full retired pay*. However, this election falls under the circumstances of a remarriage, but he did not remarry. DFAS responded to the applicant on 25 Mar 24, denying his request and informing him he cannot change the level of his SBP coverage unless he remarries, or Congress enacts an Open Season specifically allowing changes to adjust the base amount of elected coverage. There is no evidence of an error or injustice, nor any basis in the law to afford the applicant an opportunity not afforded to other members with similar requests.

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 30 Oct 24 for comment (Exhibit D) but has received no response.

FINDINGS AND CONCLUSION

1. The application was timely not filed. The Board notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*.
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 made a valid election for SBP spouse only coverage at a reduced base amount, and his spouse

concurred with the election. By law, the applicant may only change the base amount of elected spousal coverage after remarriage or during a Congressionally mandated Open Season that specifically allows changes to the base amount of an election. 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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2024-01382 in Executive Session on 24 Apr 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 12 Apr 24.

Exhibit B: Documentary Evidence, including relevant excerpts from official records.

Exhibit C: Advisory, AFPC/DPFC, dated 18 Oct 24.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 30 Oct 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.

6/18/2025

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Board Operations Manager, AFBCMR
Signed by: USAF