



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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-02721

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

He submitted his Letter of Intent to enroll in SBP during the 2023 Open Season. He was supposed to receive a statement of costs and then decide if he wanted to enroll. He was enrolled without his consent and then received a letter detailing the costs associated with SBP. The costs are too high, and he does not wish to be enrolled and wants his premiums returned.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force chief master sergeant (E-9).

On 19 Feb 14, according to DD Form 2656, *Data for Payment of Retired Personnel*, the applicant elected Option G (Elect Not to Participate in SBP) and his former spouse concurred with the decision.

On 1 Aug 14, according to Special Order [REDACTED], dated 31 Jan 14, the applicant retired from the Regular Air Force.

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. Public Law 117-263 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 want to enroll and are not participating in SBP as of the date referenced above, or to disenroll if they are participating as of the same date. Per DoD Person Search via Defense Enrollment Eligibility Reporting System (DEERS), the applicant was married to his former spouse at the date of his retirement on 1 Aug 14. Per the applicant's DD Form 2656, he declined coverage with spouse concurrence on 19 Feb 14. The applicant and his former spouse divorced on 7 Jan 20, and the applicant married his current spouse

[REDACTED]

on 7 Jun 20. In this instance, the only opportunity to enroll in SBP when a member initially declined spouse and/or child coverage is when or if there is a congressionally mandated Open Season that allows SBP open enrollment. Defense Finance and Accounting Service (DFAS) states on their website that they are unable to provide individual estimates for requests received after 13 Nov 23. The members electing coverage after this time would be responsible for retroactive premiums and completing the SBP Open Season election form, which reiterates the responsibility of premium repayment. The applicant signed and submitted to DFAS an SBP Open Enrollment Election form on 22 Nov 23, enrolling in spouse only coverage and elected to make a one-time full payment for the total amount of the “buy-in premium” DFAS received and processed the applicant’s election and provided him with enrollment confirmation detailing the effective date, base cost of \$5939.00, a monthly premium of \$386.04, and a one-time buy-in premium of \$44,278.79.

The applicant submitted a letter to DFAS in May 24, requesting to disenroll from SBP Open Season election. DFAS responded on 31 Jul 24, stating they denied his request due to not receiving the cancellation notice within the 30-day window to withdraw from SBP enrollment. The Open Season guidance, per OSD gives members the option to disenroll up to 30 days after the member elected SBP coverage, based on the date the member signed the election form.

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 1 Nov 24, for comment (Exhibit D), and the applicant replied on 1 Nov 24. In his response, the applicant contends he assumed his 2023 Open Season Enrollment form was to act as the LOI and he would receive a statement of costs prior to making a final decision. This was most likely a mistake on his part, but the process was not followed as required and now he is enrolled in a program that he cannot afford and puts his family’s financial security at risk. Please consider the financial impact this has on his family and approve his request to disenroll from the SBP.

The applicant’s complete response is at Exhibit E.

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 Open Season guidance per OSD gives members the option to disenroll up to 30 days after the member elected SBP coverage based on the date the member signed the election form. The applicant did not submit his request to disenroll within the aforementioned 30 day window. Therefore, the Board recommends against correcting the applicant’s records.

[REDACTED]

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-2024-02721 in Executive Session on 10 Apr 25:

[REDACTED], Panel Chair
[REDACTED], Panel Member
[REDACTED], Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 29 Jul 24.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory, AFPC/DPFC, dated 29 Oct 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 1 Nov 24.
- Exhibit E: Applicant's Response dated 1 Nov 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.

6/10/2025

X [REDACTED]

[REDACTED]
Board Operations Manager, AFBCMR
Signed by: USAF