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

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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2024-02791

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**COUNSEL:** Work-Product

**HEARING REQUESTED:** Wor...

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**APPLICANT'S REQUEST**

His election of benefits under the Reserve Component Survivor Benefit Plan (RCSBP) be changed to show he made a timely election for spouse coverage under the Reserve Component Survivor Benefit Plan.

**APPLICANT'S CONTENTIONS**

He needs his record to reflect marriage to his current spouse of 13 years so that Defense Finance Accounting Service (DFAS) can process his request for the Survivor Benefit Program (SBP).

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is a retired Air National Guard major (O-4).

On 10 Jul 93, according to the Marital Status Affidavit, provided by the applicant, the applicant and his former spouse were married.

On 7 Jan 04, according to Reserve Order Work-Product, dated 19 Nov 03, the applicant was assigned to the Retired Reserve Section and placed on the Air Force Reserve Retired List.

On 26 Jul 04, according to the divorce decree provided by the applicant, the applicant divorced his former spouse.

On 5 Mar 11, according to the Certificate of Marriage, provided by the applicant, he married his current spouse.

On 19 Sep 23, according to the Marital Status Affidavit, the applicant started receiving retired pay.

On 14 May 24, according to DD Form 2656-6, *Survivor Benefit Plan Election Change Certificate*, provided by the applicant, the applicant elected spouse only coverage based on full retired pay.

On 23 Sep 24, the Board sent the applicant the following standard form, in order to establish whether there are persons with competing interests in the case or who should receive notice of the requested correction to the record: SBP Marital Status Affidavit (Retiree).

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On 24 Sep 24, the applicant returned the completed affidavit.

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

## **AIR FORCE EVALUATION**

ARPC/DPTT (Transitions) recommends granting the application. A review of the applicant's Military Personnel Record shows no proof the applicant received his Notification of Eligibility (NOE) and never made his RCSBP election so they should be authorized to make the election for SBP now having reached age 60.

All Reserve Component Service members who are eligible to participate in RCSBP, but who fail to make an election in the prescribed time will, by law, automatically have full, immediate RCSBP coverage for their dependent spouse and/or children, based upon dependents in the member's record in the Military Personnel Data System. The prescribed time limit for RCSBP election is before the end of the 90th day after the Service member receives notification of having completed the years of service to be eligible for non-regular retirement in accordance with 10 U.S.C., Section 12731.

On 2 Dec 03, the applicant completed 20 satisfactory years of service however ARPC does not have a record of the applicant's DD Form 2656-5, *Reserve Component Survivor Benefit Plan (RCSBP) Election Certificate*, PS Form 3811, *Domestic Return Receipt*, or ARPC Form 123, *Reserve Component Survivor Benefit Plan Election Certificate*, to confirm selection of RCSBP.

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 10 Jan 25, 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. While the Board notes the comments of ARPC/DPTT in favor of granting relief, the Board believes a preponderance of the evidence fails to substantiate the applicant's contentions. Notwithstanding the advisory, the Board finds there is a third-party with a competing interest. It appears the applicant was married to a different individual when he began RCSBP. The applicant's former spouse should have the opportunity to complete an affidavit. 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-2024-02791 in Executive Session on 11 Jul 25:

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Panel Chair

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Panel Member

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Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 5 Aug 24.

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

Exhibit C: Advisory, ARPC/DPTT, dated 6 Jan 25.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 10 Jan 25.

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.

8/11/2025

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Board Operations Manager, AFBCMR

Signed by: USAF

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