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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-2023-02699

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: Work...

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APPLICANT'S REQUEST

His election of benefits under the Reserve Component Survivor Benefit Plan (RCSBP) be changed. Specifically, to decline participation in the RCSBP.

APPLICANT'S CONTENTIONS

He recently applied for retirement and worked closely with myPers technicians to complete his DD Form 2656, *Data for Payment of Retired Personnel*. Despite expressing that he did not want to participate in the Survivor Benefit Program (SBP), he was told it was mandatory to complete that section of the form. He does not want SBP and should not be paying for this benefit.

STATEMENT OF FACTS

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

On 12 Feb 06, according to Reserve Order Work-Product, dated Work-Product, the applicant was assigned to the Retired Reserve Section and placed on the Air Force Reserve Retired List.

On 30 Jan 07, ARPC/DPPR sent the applicant the standard Notification of Eligibility (NOE) for retired pay (20-year letter) informing him that he has completed the required years under the provisions of Title 10 United States Code, Section 12731 (10 U.S.C. § 12731), and entitled to retired pay upon application prior to age 60. In addition, he was eligible to participate in the RCSBP.

On 28 Feb 07, according to PS Form 3811, *Domestic Return Receipt*, an RCSBP package was delivered to the applicant's address and was signed.

On 1 Jan 22, according to Reserve Order Work-Product, dated Work-Product, the applicant was authorized retired pay and placed on the United States Air Force Retired List.

On 5 May 23 according to DD Form 2656, the applicant elected Option C, *Previously elected or defaulted to immediate RCSBP Coverage*.

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

AIR FORCE EVALUATION

AFBCMR Docket Number BC-2023-02699

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ARPC/DPTT (Transition Division) recommends denying the application. 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 service 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. § 12731.

On 18 Apr 05, the applicant completed 20 satisfactory years of service; however, the RCSBP NOE takes approximately 120 days for members to receive as there is a delay in the Point Credit and Accounting Reporting System to reflect the 20 satisfactory years in record. The applicant signed the PS Form 3811 acknowledging receipt of the NOE on 28 Feb 07. The applicant did not return the requested DD Form 2656-5, *Reserve Component Survivor Benefit Plan (RCSBP) Election Certificate*, with his desire to decline coverage within the 90-day timeframe as prescribed by law. The applicant was automatically enrolled based on his eligible beneficiaries, which resulted in Option C (Choose benefits to begin immediately upon your death, regardless of age).

According to Department of Defense 7000.14-R, *Financial Management Regulation*, Volume 7B, *Military Pay Policy – Retired Pay*, Chapter 43, section 4.1, any member who is notified of his or her completion of the years of service required for retired pay eligibility for non-regular retirement may elect to participate in RCSBP before the end of the 90-day period. A member who is married or has a dependent child, and who receives notice of eligibility for retired pay, after 1 Jan 01, is automatically an immediate participant in RCSBP unless the member elects (with spousal concurrence, if required) not to participate or to defer the decision or delay coverage before the end of the 90-day period.

On 5 May 23, in preparation for commencement of retired pay, the applicant completed DD Form 2656 in conjunction with his retirement application. In Item 35, *Reserve Component Only*, he selected he was previously under Option C for RCSBP. Reserve and Guard members who have a previous RCSBP election of Option C cannot make a new election on the DD Form 2656 in Item 36, *SBP Beneficiary Categories*. The DD Form 2656 is not a change of election form. The retirements technician advised the member correctly on how to complete Item 35.

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 8 Feb 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 ARPC/DPTT and finds a preponderance of the evidence does not substantiate the applicant's contentions. The applicant failed to make an RCSBP election within 90 days of Notification of Eligibility and automatically

defaulted to Option C (full coverage). Reserve or Guard members who have coverage established under RCSBP Option C cannot make a new election when eligible to receive retired pay. 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-2023-02699 in Executive Session on 30 May 24:

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, dated 15 Aug 23.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory, ARPC/DPTT, dated 6 Feb 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 8 Feb 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.

9/16/2025

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Board Operations Manager, AFBCMR
Signed by: USAF