

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

Work-Product

RECORD OF PROCEEDINGS**IN THE MATTER OF:****DOCKET NUMBER:** BC-2023-02782

Work-Product

COUNSEL: Work-Product**HEARING REQUESTED:** Work...

Work-Product

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

She was enrolled into RCSBP automatically and without her consent. Her husband is rated 100 percent disabled by the Department of Veterans Affairs and does not need any income from her. When she applied for retirement, she was informed that the election had been made on her behalf automatically. She already had her husband sign in front of a notary waiving RCSBP as indicated on DD Form 2656, *Data for Payment of Retired Personnel*.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 12 Oct 10, ARPC/DPTT sent the applicant the standard Notification of Eligibility (NOE) for retired pay (20-year letter) informing her that she had 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, she was eligible to participate in the RCSBP.

On 25 Oct 10, according to the Military Personnel Data System (MilPDS), the applicant downloaded the RCSBP package.

On 31 Oct 13, 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 11 Apr 23, according to DD Form 2656, the applicant elected Option A, *Previously declined to make an election until eligible to receive retired pay* and Option G, *I elect not to participate in SBP*, and her spouse concurred with the decision.

On 27 Apr 23, according to DD Form 2656, the applicant elected Option C, *Previously elected or defaulted to immediate RCSBP coverage*.

On 18 Jun 23, 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.

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

APPLICABLE AUTHORITY

DoD 7000.14-R, *Financial Management Regulation*, Volume 7B, Chapter 540401. "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 January 1, 2001, 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."

DoD 7000.14-R, Volume 7B, paragraph 540402. "A member electing to participate must designate an immediate election, a deferred election, or indicate a decision to delay the election until reaching retirement age. These are described as Options A, B, or C."

DoD 7000.14-R, Volume 7B, paragraph 540701. "Elections filed during the 90-day period referred to in paragraph 540401 are generally irrevocable unless revoked before the expiration of the 90-day period."

DoDI 1332.42, *Survivor Benefit Plan*, A member may elect to discontinue participation in SBP by submitting DD Form 2656-2, *Survivor Benefit Plan (SBP) Termination Request*, only during the period that is more than two years, but less than three years, after the first date of entitlement to receive retired pay. The member must sign the request no earlier than the first day of the 25th month, and no later than the last day of the 36th month from the date of entitlement to retired pay, with spousal written concurrence, if applicable. The Director, Defense Finance and Accounting Service (DFAS), must receive the member's signed request no earlier than the first day of the 25th month and no later than the last day of the 36th month from the date of entitlement to retired pay. Previously paid premiums will not be refunded, and members may not resume participation in the Plan except through a qualifying period.

AIR FORCE EVALUATION

ARPC/DPTT (Transitions Division) recommends denying the applicant's request. 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 (MilPDS). 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 27 Jul 10, 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 Accounting and Reporting System to reflect the 20 satisfactory years in record. On 12 Oct 10, the ARPC technician coded the applicant's record as eligible to receive her NOE. This automatically enrolls the member into RCSBP coverage. When the member logs into vMPF this automatically starts their 90-day timeframe as prescribed by law to decline or change their coverage. The applicant logged into virtual Military Personnel Flight (vMPF) on 25 Oct 10, confirming she

received her RCSBP NOE. The applicant did not return the requested DD Form 2656-5, *Reserve Component Survivor Benefit Plan (RCSBP) election Certificate*, with her desire to decline coverage within the 90-day timeframe; therefore, she was automatically enrolled based on her eligible beneficiaries, which resulted in Option C, *Choose benefits to begin immediately upon your death, regardless of age*. Then on 5 Nov 10, the automatic RCSBP Election memorandum was generated notifying the member of her election. The memo shows the codes that reflect in MilPDS, "Option E" reflects the member did not change her election and has Option C. "Person Insured: F" reflects the type of coverage, which was Spouse and Child, Maximum.

On 7 Jan 22, during the transition to My Force Support Squadron (MyFSS, formerly vMPF) the system erroneously redistributed the NOE for Reserve Retired Pay at Age 60 letter and RCSBP Election memorandum via MyFSS to members who had already made their election. Since the data migration was not complete, the RCSBP data was blank.

In preparation for commencement of retired pay, the applicant completed DD Form 2656, in conjunction with her retirement application on 27 Apr 23, which is sent to DFAS to initiate retirement pay. In Section 35 the applicant selected she was previously under Option C for RCSBP. Reserve and Guard members that have a previous RCSBP election of Option C, cannot make a new election on DD Form 2656 in Section 36, as it is not a change of election form. The DD Form 2656, dated 11 Apr 23, submitted by the member with DD Form 149, *Application for Correction of Military Record Under the Provision of Title 10, U.S. Code, Section 1552*, was not the document used for the retirement pay package.

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 27 Mar 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 was notified of her eligibility for RCSBP but failed to make an election within 90 days of notification. By law, RCSBP Option C (immediate maximum coverage) was automatically established to cover eligible beneficiaries. Reserve or Guard members enrolled in RCSBP Option C are automatically enrolled in SBP. Upon retirement, the applicant was not eligible to make a new election or change of election under SBP due to the automatic enrollment in RCSBP. As noted above, the applicant may be eligible to cancel participation between the 25th month and 36th month after the first day of entitlement to retired pay; however, previously paid premiums will not be refunded. The applicant may contact DFAS for eligibility and processing procedures. 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-2023-02782 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, w/atchs, dated 1 Aug 23.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory, ARPC/DPTT, w/atchs, dated 20 Mar 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 27 Mar 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.

9/19/2025

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Board Operations Manager, AFBCMR
Signed by: USAF