



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-00285

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

He be disenrolled from the Survivor Benefit Plan (SBP).

APPLICANT'S CONTENTIONS

He did not elect to enroll in SBP when he completed and filed his DD Form 2656, *Data for Payment of Retired Personnel*. SBP would not benefit his family since his wife is at the end stage of lung cancer with very short life expectancy. Instead of the Defense Finance and Accounting Service (DFAS) deducting about \$300 for SBP from his pay, his family needs this money to pay for cancer treatments and related costs. After contacting DFAS, he was informed they do not have a valid election, and after reviewing his DD Form 2656, they were unable to determine why he was enrolled in the Plan.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air National Guard lieutenant colonel (O-5).

On 12 Nov 21, ARPC/DPTT sent the applicant a letter stating that his Reserve Component Survivor Benefit Plan (RCSBP) election was updated in his records with the following: Option: Non-Response (Automatic Option C); Person Insured: Spouse and child, maximum; Election Date: 21 Aug 17.

On 24 Nov 21, ARPC/DPTT 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 30 Dec 21, according to Special Order *Work-Product* dated 10 Mar 22, the applicant was honorably discharged and transferred to the Air Force Reserve effective 31 Dec 21.

On 31 Dec 21, according to Reserve Order *Work-Product* dated 15 Feb 22, the applicant was placed on the United States Air Force Reserve Retired List.

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Controlled by: SAE/MRB

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Limited Dissemination Control: N/A

POC: SAF.MRBC.Workflow@us.af.mil

On 14 Sep 22, 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.

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 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."

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."

10 U.S.C. § 1448a(a)), states a participant in SBP may elect to discontinue participation in the Plan at any time during the one-year period beginning on the second anniversary of the date on which payment of retired pay to the participant commences. Previously paid premiums will not be refunded and participation in the Plan may not be resumed except through a qualified election.

Eligible participants complete DD Form 2656-2, *Survivor Benefit Plan (SBP) Termination Request*, with spousal concurrence if applicable, and submit properly completed form to DFAS-Cleveland (DFAS-CL). For more information or to check eligibility, participants should contact DFAS-CL or visit their website: <https://www.dfas.mil/RetiredMilitary/provide/sbp/>.

AIR FORCE EVALUATION

ARPC/DPTT (Transition Division) recommends denying the application. SBP is administered pursuant to 10 U.S.C., Subchapter II, Chapter 73 and pays a monthly benefit to designated survivors of an eligible service member or retiree. SBP, and the associated RCSBP program, allows service members and retirees to ensure their designated beneficiaries continue to receive an annuity in place of their retired pay after their own death.

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. § 12731.

On 22 Jul 16, 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. When a member logs into virtual Military Personnel Flight (vMPF), this automatically starts the 90-day period to decline or change their coverage prescribed by law. On 3 Oct 17, the applicant logged into vMPF confirming he received his RCSBP NOE. 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; therefore, he was automatically enrolled based on his eligible beneficiaries, which resulted in Option C, *Immediate Annuity*, (beginning on the day after date of death whether before or after age 60).

Per the DoD 7000.14-R, Volume 7B, 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 a NOE 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 14 Sep 22, in preparation for commencement of retired pay the applicant completed DD Form 2656 in conjunction with his retirement application. In Section 35, *Reserve Component Only*, the applicant selected Option C. Reserve and Guard previously enrolled in RCSBP Option C cannot make a new election on the DD Form 2656, as it not a change of 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 10 Apr 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 election within 90 days of receiving his RCSBP NOE and was automatically enrolled in RCSBP Option C (immediate maximum coverage) as prescribed by law. A Reserve or Guard member enrolled in RCSBP Option C is automatically enrolled in SBP and unable to make a new election or change of election when eligible to receive retired pay. As noted above, participants may discontinue participation in SBP within the one-year period beginning on the second anniversary of the date on which retired pay commences. Previously paid premiums will not be refunded and participation in SBP may not be resumed except through a qualifying election. The applicant may contact DFAS-CL for eligibility criteria and additional information. In view of the foregoing, the Board recommends against correcting the applicant’s records.

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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-2024-00285 in Executive Session on 24 Oct 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 5 Dec 23.

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

Exhibit C: Advisory, ARPC/DPTT w/atchs, dated 1 Apr 24.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 10 Apr 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

X

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Board Operations Manager, AFBCMR

Signed by: USAF

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