

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

Work-Product

RECORD OF PROCEEDINGS**IN THE MATTER OF:****DOCKET NUMBER:** BC-2024-00494

Work-Product

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

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APPLICANT'S REQUEST

His election under the Survivor Benefit Plan (SBP) be changed to show he elected spouse only coverage based on full retired pay rather than a reduced base amount.

APPLICANT'S CONTENTIONS

His SBP coverage was not intended to be at a reduced rate. On 31 December 1997, he and his wife visited the military personnel office at their duty location to complete the DD Form 2656, *Data for Payment of Retired Personnel*. During this hectic period, with personal and family stress along with additional challenges related to their impending move to another state, they did not receive clear guidance on the SBP options available to them.

Years later, on 29 December 2022, during a meeting with a new financial advisor, they discovered the financial implications of their original SBP decision. The advisor's review of the DD Form 2656 revealed significant issues, causing frustration and regret. The applicant now faces additional costs to adjust his SBP coverage.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force technical sergeant (E-6).

On 31 December 1997, according to DD Form 2656, the applicant elected Option A, *I elect coverage for spouse only*, based on a reduced base amount of \$434, and his spouse concurred with the decision.

On 1 March 1998, according to Special Order Work-Product dated 28 March 1997, 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 Sustainment) recommends denying the application. Members must decide on their SBP election before retiring. Coverage for eligible dependents can be elected based on full gross retired pay or a reduced amount, with a minimum base amount of \$300. Public Law 99-145 mandates a spouse's written consent is required for less than full spouse coverage for members

retiring on or after 1 March 1986. Once a reduced amount is chosen, it cannot be changed, except during a congressional open season that specifically addresses base amount changes. Historically, there have been four open seasons that have allowed such changes (October 1981 to September 1982; April 1992 to March 1993; March 1999 to February 2000; and October 2005 to September 2006). SBP counselors provide information but do not provide recommendations to members in their decision. It is the member's responsibility to decide what options of SBP are best financially suited for their family.

The Defense Enrollment Eligibility Reporting System records show the applicant and his spouse were married at the time of his retirement on 1 March 1998 and remain married to date. Defense Finance and Accounting Service records indicate at retirement, the applicant chose SBP coverage for his spouse, excluding children, with a reduced base amount of \$434 and his spouse signed in concurrence with the election. The DD Form 2656 notes the irrevocable clause in Section IX for the member's election of the beneficiary category[ies] and Section XI for the spouse's concurrence.

The applicant chose a specific reduced base amount of \$434. This choice, along with its implications and different coverage options, should have been explained to the applicant, including additional costs for excluding minor children. Despite the applicant's claim of an inadequate briefing, it is unlikely he was miscounseled given the specificity of his choice. Additionally, the applicant had opportunities to update his coverage to the full maximum base amount during two publicly advertised SBP open seasons, but there is no evidence he attempted to do so. Therefore, there is no evidence of an error or injustice and no basis in law to grant the request.

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 13 May 2024 for comment (Exhibit D) but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed. The Board notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find the assertion supported by a preponderance of the evidence.
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 applicant was briefed on the options of SBP and made a valid election for spouse coverage at a reduced amount. There is no evidence the applicant was miscounseled or that the election is invalid. The applicant had multiple opportunities to increase the level of SBP coverage during open seasons, but failed to do so. 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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2024-00494 in Executive Session on 26 September 2024:

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 19 December 2023.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory, AFPC/DPFC, dated 10 May 2024.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 13 May 2024.

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.

8/27/2025

X

Work-Product

Board Operations Manager, AFBCMR
Signed by: USAF