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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01220

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

He be disenrolled from the Survivor Benefit Plan (SBP) and be reimbursed all SBP payments deducted from his retired pay.

APPLICANT'S CONTENTIONS

In 2023, Defense Finance and Accounting Service (DFAS) sent him enrollment forms instead of information forms regarding SBP Open Enrollment. He asked for information only to determine if he and his spouse were financially able to take advantage of the program. He was notified that more information was necessary for DFAS to quote a buy-in amount and monthly payments. He sent in the requested information, and no other documentation was sent to or received from DFAS. In Feb 24, he noticed two deductions from his retirement pay in the amount of \$247.26 and \$494.52. He called DFAS and was told that he was enrolled in SBP because they sent enrollment paperwork instead of an information quote and they apologized for the mistake. DFAS requested he send them a notarized DD Form 2656-2, *Survivor Benefit Plan (SBP) Termination Request*, to terminate the plan, with an explanation of events. The request was denied due to missing the window to terminate coverage. He never received notification of being enrolled. He is a disabled veteran on a fixed income and has no way to cover a \$40,000.00 buy-in amount. DFAS mislead him by sending the wrong forms resulting in great stress for him and his spouse.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force senior master sergeant (E-8).

On 20 Jul 07, according to DD Form 2656, *Data for Retired pay*, the applicant elected not to participate in SBP, and his spouse concurred with the decision on 1 Aug 07.

On 1 Sep 07, according to Special Order **Work-Product**, dated 16 May 07, the applicant retired from the Regular Air Force.

On 24 Nov 23, according to *Survivor Benefit Plan (SBP) and Reserve Component Survivor Benefit Plan (RCSBP) Open Enrollment Election*, the applicant elected SBP coverage for his spouse only. The applicant marked block 22. *Enrollment Premium Options*, b. Based on the estimate I received, I elect to submit a partial payment of the amount of the "buy-in premium" due and initiate a Voluntary Payment Plan for the remainder to be deducted in 12 equal monthly installments plus installment interest, either from my retired pay or from my CRSC pay.

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On 4 Mar 24, according to DD Form 2656-2, *Survivor Benefit Plan (SBP) Termination Request*, provided by the applicant, the applicant requested to discontinue participation in SBP, and his spouse concurred with the decision.

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 Matters Division) recommends denying the application. Records indicate upon his 1 Sep 07 retirement, the applicant was married to his spouse and declined SBP spouse coverage. Once coverage is declined, coverage for that spouse or any future spouse is not allowable, unless Congress authorizes an open enrollment period specified to category changes. Public Law 117-263 enacted by Congress, established an open enrollment period beginning 23 Dec 22 and ended 1 Jan 24. The open enrollment period allowed retired service members who were not enrolled in SBP to enroll or to disenroll if they were participating. DoD Person Search via Defense Enrollment Eligibility Reporting System (DEERS) records reflect the applicant married his spouse on 24 Oct 98. The applicant attended the SBP brief on 25 Jun 07 at 1300. On 20 Jul 07, the applicant elected to not participate in SBP, and his spouse concurred with the election on 1 Aug 07.

During the open enrollment period, the applicant submitted a Letter of Intent (LOI) to enroll in SBP coverage. DFAS sent a letter to the applicant on 13 Nov 23, annotating errors to be corrected on the LOI. Per the applicant, DFAS never sent the buy-in premiums, sending an enrollment form instead. On 24 Nov 23, the applicant signed the open enrollment form, electing spouse only coverage, acknowledging this is a voluntary election and he would be legally responsible to pay the cost associated with the open season, as stated in Section IX of the *SBP and RCSBP Open Enrollment Election* form. Subsequently, the applicant signed and submitted the enrollment form to DFAS. Although the applicant did not receive the estimate, this does not negate his willful election of SBP coverage. On 10 Jan 24, the applicant received a letter from DFAS stating the enrollment form for the 2023 SBP Open Season was received and processed. The letter also annotated the cost for base amount for spouse only coverage as well as the buy-in premium cost. The applicant called DFAS after reviewing his monthly pay statement and noticing SBP premiums being deducted from his retired pay, and a DFAS customer care technician erroneously recommended he submit a DD Form 2656-2. On 4 Mar 24, the applicant signed DD Form 2656-2 to request termination of SBP coverage and his spouse concurred. The request was denied due to missing the 30 day window to change elections made during the Open Season. The Open Season guidance per OSD gave members the option to disenroll up to 30 days after the member elected the SBP coverage as an additional failure safety measure.

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 9 Jul 24, for comment (Exhibit D), but has received no response.

FINDINGS AND CONCLUSION

1. The application was timely filed.

2. The applicant exhausted all other available administrative remedies 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 did not make a timely election to disenroll from SBP, missing the mandatory 30 day window to change his election during the 2023 Open Season. Therefore, the Board recommends against correcting the applicant's records.

4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

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-2024-01220 in Executive Session on 19 November 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, w/atchs, dated 22 Mar 24.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory, AFPC/DPFC, dated 28 Jun 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 9 Jul 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.

9/30/2025

X **Work-Product**

Work-Product, AFBCMR
Signed by: **Work-Product**