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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01287

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COUNSEL: NONE

HEARING REQUESTED: NOT INDICATED

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

He enrolled in the 2023 SBP Open Enrollment Season in Dec 23. In Mar 24, he received the enrollment confirmation forms to fill out and called Defense Finance Accounting Service (DFAS) customer service about the details of the forms. He realized then that he misunderstood the terms of the program. Currently, he does not have the funds required to enroll into the program. He requests to be released from SBP. In Dec 23 he received the estimate of what it would take to enroll in SBP. When speaking with DFAS customer service, he mistakenly believed that he only had to pay the cost base amount of \$5210.00, and then the monthly premium of \$338.65. He realizes he was asking the wrong questions and misunderstood the responses given. He had been under a lot of stress, having just completed repairs to his home from a hurricane as well as the effects of heart surgery. He could possibly come up with the buy-in cost, but it would take a while. He would not have it in the timeframe outlined in the instructions he was provided.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired lieutenant colonel (O-5)

On 1 Feb 96, 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 Apr 96, according to Special Order *Work-Product* dated 26 Jan 96, the applicant retired from the Regular Air Force.

On 14 Dec 23, according to *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*, c. Based on the estimate I received, I elect to initiate a Voluntary Payment Plan for the amount of the "buy-in premium" due to be deducted in 12 equal monthly installments, plus installment interest either from my retired pay or from my CRSC pay; or I will make direct payments in 12 equal monthly installments plus installment interest via Direct Remittance to DFAS. If you select this payment option, only one form of payment can be used

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over the 12 months. You cannot combine payment options or switch to a different form of payment during the 12 months.

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 retirement on 1 Apr 96, the applicant was married to his spouse and declined SBP spouse coverage. Once coverage is declined, the law does not allow future coverage for that spouse or any future spouse unless Congress authorizes an open enrollment period specified to category changes. Under PL 117-263, Congress established an open enrollment period beginning 23 Dec 22 and ended 1 Jan 24. The open enrollment period was for retired service members who want to enroll and are not participating in SBP as of the date referenced above or to disenroll if they are participating as of the same date.

DoD Person Search via Defense Enrollment Eligibility Reporting System (DEERS) records reflect the applicant married his spouse on 15 Jun 85. On 2 Feb 96, the applicant attended the SBP brief and declined coverage; his spouse concurred with the election on 2 Feb 96. During the Open Season, the applicant submitted a Letter of Intent (LOI), signed 30 Oct 23 to DFAS. In a letter dated 29 Nov 23, DFAS confirmed receipt of the applicant's LOI and attached an estimated buy-in and monthly premiums cost with the following information: 1) SBP Coverage Type: Spouse 2) Level of Coverage: Full 3) Cost Base Amount = \$5,210.00 4) Prospective Monthly Premium = \$338.65 (SBP Monthly Premium Cost) 5) Total Buy-In Premium with Installment Interest = \$136,960.22 6) Buy-In Premium Partial Payment Amount Due within 30 days (if applicable) = \$11,696.34 (Note: Your 12th payment may be slightly less because of the way interest is calculated. Therefore, the monthly installment payment x12 may not equal the Total Buy-In Premium amount above.)

The applicant signed the *SBP/RCSBP Open Enrollment Election* form on 14 Dec 23 for spouse only coverage and submitted it to DFAS. The applicant's retired pay account shows his current election for spouse only coverage as of 19 Dec 23. On 5 Mar 24, the applicant received a letter from DFAS stating they received the SBP Open Enrollment Election with an effective date of 1 Jan 24. Per the applicant, he spoke with a DFAS customer care technician, discussing the estimate of enrolling into SBP coverage and stated he did not understand the total cost of enrolling into SBP when he submitted the election form on 14 Dec 23. Additionally, in the Open Season guidance per Office of the Secretary of Defense (OSD) there is an option to disenroll up to 30 days after the applicant elected SBP coverage, based on the date the member signed the election form. If no written request is received by DFAS within that timeframe the election becomes irrevocable. The applicant stated he misread the cost estimate provided which is the reason for the request of a board correction, however, there is no evidence of the Air Force or any other federal agency's error in this matter. Furthermore, according to the applicant's statement located on DD Form 149 Item 15, "I could possibly come up with the buy-in cost, but it would take a while. I could not have it in the timeframe outlined in the instructions" implies the applicant can meet his required obligation for repayment of premiums if more time is given. Therefore, the applicant can contact DFAS to request additional time for repayment if possible. Finally, to provide an additional termination request would be inequitable to other participants of the SBP without supporting documentation of a detrimental financial hardship. This does not suggest the recommendation would be changed; however, it would be reviewed for reconsideration by the Office of Primary Responsibility (OPR).

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 30 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 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 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. Moreover, the applicant, in his own words, implies that he could possibly pay the buy-in cost of the premiums if provided more time. Thus, the applicant has the option to contact DFAS to request a possible extension for the repayment of premiums. 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-2024-01287 in Executive Session on 19 Dec 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 2 Apr 24.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory, AFPC/DPFC, dated 22 Jul 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 30 Jul 24.

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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.

10/17/2025

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Signed by: USAF

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