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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01386

COUNSEL: [REDACTED]

HEARING REQUESTED: [REDACTED]

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

Both he and his spouse, being military retirees, consciously decided against participating in the SBP, relying instead on life insurance to support the survivor. Since he has not yet received any retirement benefits, pursuing this claim will not impact the government financially. Unfortunately, the 20-year mark coincided with the 05 Base Realignment and Closure decision to close Otis ANG Base, leading to personnel placement rules being relaxed to accommodate as many people as possible, which improved employment opportunities but deteriorated the quality of administrative processes. The inefficiency of the Military Personnel Flight often took years to reveal itself, and after submitting his SBP package, he saw no need to retain a copy. The current situation is causing a significant reduction in his monthly annuity, likely forcing him to seek unplanned re-employment to make ends meet. A notarized package declining coverage was submitted after reaching 20 years of military service in May 06, but a copy of this 18-year-old package is unavailable. The notary has passed away and attempts to obtain proof from her notary log have been unsuccessful.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Reserve brigadier general (O-7).

On 7 Aug 07, ARPC/DPPR sent the applicant the standard Notification of Eligibility 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 29 Aug 07, according to PS Form 3811, *Domestic Return Receipt*, an RCSBP package was delivered to the applicant's address and was signed.

On 1 Jul 20, according to Special Order [REDACTED], dated 24 Jun 20, the applicant was assigned to the Retired Reserve Section and placed on the Air Force Reserve Retired List.

On 29 Jun 23, according to DD Form 2656, *Data for Payment of Retired Personnel*, the applicant elected Option g, *I elect not to participate in SBP*.

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[REDACTED]

[REDACTED]

[REDACTED]

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

APPLICABLE AUTHORITY

10 U.S.C. § 1448(a)(2)(B). "Participants in the plan. The Plan applies to the following persons, who shall be participants in the Plan: ... Reserve-component annuity participants. A person who (i) is eligible to participate in the Plan under paragraph (1)(B), and (ii) is married or has a dependent child when he is notified under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve component retired pay, unless the person elects (with his spouse's concurrence, if required under paragraph (3)) not to participate in the Plan before the end of the 90-day period beginning on the date on which he receives that notification."

DoD 7000.14-R, *Financial Management Regulation*, Vol 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 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."

AIR FORCE EVALUATION

ARPC/DPTT (Transitions) recommends denying the application. 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 Title 10, U.S.C., Section 12731.

On 15 May 06, the applicant completed 20 satisfactory years of service, but the RCSBP NOE takes about 120 days to be received due to delays in updating the Point Credit Summary. The applicant confirmed receipt of the RCSBP NOE on 29 Aug 07, which started the 90-day period for declining or changing coverage. However, the applicant did not submit the required DD Form 2656-5, *Reserve Component Survivor Benefit Election Plan (RCSBP) Election Certificate*, to decline coverage within this timeframe, resulting in automatic enrollment in Option C, which provides benefits immediately upon death, regardless of age. The applicant completed the DD Form 2656 for retired pay on 29 Jun 23 but should have marked Option C in the appropriate box. Reserve and Guard members cannot change their RCSBP election on this form.

The ARPC Benefits and Entitlements technician contacted the applicant for a memorandum from their current or previous wing commander or force support squadron (FSS) commander to support their claims about a disorganized FSS. The applicant stated they could not obtain such a memo. The office could not confirm whether the FSS helped with the paperwork and has no record of an RCSBP counselor's involvement or of receiving a DD Form 2656-5 from the applicant declining coverage.

[REDACTED]

Members can cancel or terminate their Survivor Benefit Plan election between the 25th and 36th month or the third year of being in retired pay status by contacting Defense Finance Accounting Service. This window is for exiting only, meaning it applies solely to withdrawing from an unwanted election and does not allow retirees to start an election they had previously declined. If applicable, spousal concurrence is required.

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

FINDINGS AND CONCLUSION

1. The application was not timely filed. The Board does not find it in the interest of justice to waive the three-year filing requirement. Therefore, the Board finds the application.
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 the ARPC/DPTT and finds a preponderance of the evidence does not substantiate the applicant’s contentions. Therefore, the Board recommends against correcting the applicant’s records. There is no evidence the applicant submitted the necessary documentation to decline making an RCSBP election within the 90-day suspense in accordance with 10 USC § 1448(a)(2)(B). As the applicant had eligible dependents at the time of his NOE, he was, by law, automatically enrolled in RCSBP. 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-2024-01386 in Executive Session on 24 Oct 24:

- [REDACTED], Panel Chair
- [REDACTED], Panel Member
- [REDACTED], Panel Member

All members voted against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 16 Apr 24.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory, ARPC/DPTT, dated 19 Jul 24.

[REDACTED]

[REDACTED]

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 29 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.

10/16/2025

X [REDACTED]

[REDACTED]
Board Operations Manager, AFBCMR
Signed by: USAF

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