



UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01653

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

He is being charged monthly RCSBP and SBP premiums. Because of Presidential administrative changes, in 2013, he declined RCSBP coverage until age 60 due to the program off-set. In 2021, the off-set was eliminated, and multiple federal services could elect SBP benefits, and he elected Option C. He requests all documentation provided be reviewed and corrected, all back pay be reimbursed, and premiums stopped. He contacted the Defense Finance and Accounting Service (DFAS) without resolution and was referred to the AFBCMR. He believes it was an oversight due to the changing administrative policies, and the RCSBP monthly charge of \$32.59 between 2013 and 2021 should never have been collected by DFAS.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air National Guard master sergeant (E-7).

On 12 Sep 13, according to DD Form 2656-5, *Reserve Component Survivor Benefit Plan Election Certificate*, the applicant elected Option A, *I decline to make an election until age 60*, and his spouse concurred with the election.

On 3 Mar 14, according to Reserve Order **Work-Product**, dated 15 Jun 13, the applicant was assigned to the Retired Reserve Section and placed on the Air Force Reserve Retired List.

On 14 Jan 21, according to DD Form 2656, *Data for Payment of Retired Personnel*, the applicant elected Option C, *Previously elected or defaulted to immediate RCSBP Coverage*.

On 5 Aug 21, according to Reserve Order **Work-Product**, dated 31 May 21, the applicant was authorized retired pay and placed on the USAF Retired List.

On 7 Jan 22, 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.

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*, 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."

AIR FORCE EVALUATION

ARPC/DPTT (Transition Division) recommends granting 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, allows service members and retirees to ensure 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 (MilPDS). 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 3 Nov 10, 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 summary to reflect the 20 satisfactory years in record. ARPC received the applicant's DD Form 2656-5 declining coverage by selecting Option A, with spouse concurrence on 12 Sep 13. The ARPC technician made a request to retrieve previous inquiries and records from the applicant's

profile to explain the 2 years and 10-month lapse in time from NOE (3 Nov 10) to when the DD Form 2656-5 was received (12 Sep 13), but there were no inquires related to this matter to give a better understanding of the timeline of events. Because the documentation is in the applicant's record this indicates an ARPC technician did receive the DD Form 2656-5.

ARPC's standard process when a technician receives the DD Form 2656-5, is to update MilPDS to reflect what is requested on the DD Form 2656-5. If the ARPC technician would have updated MilPDS the block labeled "Option" would have reflected "A" (Defer making an election until age 60). However, the applicant's election shows Option E, *Non-Response (Automatic Option C)*. The data in MilPDS indicates the ARPC technician did not update the applicant's election when his DD Form 2656-5 was received. Per DoD 7000.14-R, Volume 7B Chapter 43, 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. In preparation for commencement of retired pay the applicant completed DD Form 2656 on 14 Jan 21 in conjunction with his retirement application. In Block 33, *Reserve Component Only*, the applicant should have selected RCSBP Option A, *Previously declined to make an election until eligible to receive retired pay*, and an election for SBP in Block 34, *SBP Beneficiary Categories*.

Due to the history of the program, ARPC does not have sufficient evidence to explain the lapse in time or the delay in receiving the applicant's DD Form 2656-5 or updating his record to reflect Option A for RCSBP.

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 21 Aug 24 for comment (Exhibit D), and the applicant replied on 26 Aug 24. In his response, the applicant states he has no additional support and would like to proceed with his request.

The applicant's complete response is at Exhibit E.

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 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 substantiates the applicant's contentions. There is no evidence or timeline of the NOE being sent to or received by the applicant allowing him to make an informed decision within the time prescribed by law. Nor is there sufficient evidence to explain ARPC receiving the applicant's DD Form 2656-5 and the inconsistencies with the election on the form and the election updated in the MilPDS record. Therefore, in the interest of justice, the Board recommends correcting the applicant's records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that:

a. He elected Option A, *I decline to make an election until eligible to receive retired pay*, for his RCSBP within 90 days of his NOE, and his spouse concurred with the election.

b. On 14 Jan 21, he elected not to participate in SBP, and his spouse concurred with the election.

c. He be authorized full reimbursement of all SBP premiums withheld from his retired pay.

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-2024-01653 in Executive Session on 27 Feb 25:

- Work-Product, Panel Chair
- Work-Product, Panel Member
- Work-Product, Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 29 Apr 24.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory, ARPC/DPTT, w/atchs, dated 12 Aug 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 21 Aug 24.
- Exhibit E: Applicant’s Response, dated 26 Aug 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.

12/23/2025

X Work-Product

Board Operations Manager, AFBCMR
Signed by: USAF