



Work-Product

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

### RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2024-01809

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**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

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

### APPLICANT'S CONTENTIONS

She never enrolled into SBP and was automatically enrolled upon retirement.. She retired on 1 Sep 23 but started the Skill Bridge program in Mar 23. She completed all of her out-processing in Feb 23. She went to the office of the SBP counselor, as it was one of her required stops per her out-processing checklist, and after telling him that she needed to see him for out-processing, he said he was the only SBP counselor and did not have any appointments available for her. She asked him what she should do, and he said he didn't know. When she out-processed the base, she told her personnel counselor that the SBP counselor could not fit her in for an appointment due to task saturation. Her personnel counselor signed her off anyway, and she out-processed the base. After retirement she received the Defense Finance and Accounting Service (DFAS) Retired and Annuity Pay letter and she noticed that \$250.00 was being deducted from her monthly pay for SBP, even though she never enrolled. She called DFAS to inquire, and they told her to contact her SBP representative because she should have been briefed on it. She went to the SBP counselor to discuss why funds were being taken from her monthly. He told her that he sent her an email with an appointment for 14 Mar 23 at 0930 hours. She never received the email because she had already out-processed the base, turned in her work computer, and access to her work email had been terminated. She called AFPC at the advice of the SBP counselor, submitted a trouble ticket, and called DFAS, who verified that she does not have a DD Form 2656, *Data for Payment of Retired Personnel*, on file. DFAS also informed her that since she does not have a DD Form 2656 on file, she was automatically enrolled, and funds began to be deducted from her retired pay. After some discussions with AFPC, DFAS, and the SBP counselor she completed a DD Form 2656 on 23 Apr 24 with her spouse's concurrence and notarized for placement into her records..

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 1 Sep 23, according to Special Order *Work-Product* dated 19 Sep 22, the applicant retired from the Regular Air Force.

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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 Matter Division) recommends denying the application. Per Chapter 73, Title 10, U.S.C., service members are required and responsible for attending a one-on-one SBP counseling with an Air Force certified SBP counselor and make an SBP election prior to retiring. The member's SBP election is recorded on DD Form 2656, prior to the member's official retirement date. If applicable, spouse concurrence is required. An SBP election can be made at any time prior to the date of retirement, to include changes in election coverage. An SBP election may not be arbitrarily terminated as long as the beneficiary remains eligible. However, Title 10 U.S.C. Section 1448a(a), provides for a one-year period beginning on the 25<sup>th</sup> month and ending on the 36<sup>th</sup> month following commencement of retired pay, during which SBP participants may choose to voluntarily discontinue their participation. Per law, DFAS-CL is required to establish maximum SBP coverage if a valid DD Form 2656 is not received before the member's retirement date.

The applicant was automatically enrolled in SBP due to not submitting a DD Form 2656. Prior to her retirement, the SBP counselor notified the applicant via email of her 14 Mar 23 SBP briefing appointment and provided an SBP RIP attachment. Per the applicant, she was unable to get an appointment with the counselor prior to her out processing in Feb 23 due to starting Skill-Bridge in Mar 23. The applicant's retirement date was 1 Sep 23, allotting enough time to receive her SBP briefing and accomplish a DD Form 2656 prior to retirement. The SBP counselor was available for SBP briefings prior to the applicant's retirement, and it is the service member's responsibility to ensure they make time for the scheduled briefing or work with the SBP counselor on a date prior to retirement. There was only one attempt made by the applicant to meet with the counselor, and she did not respond to any further correspondence. SBP counselors will accommodate as much as their schedules will allow, however there were numerous opportunities for the applicant to schedule an appointment from Mar 23 to Sep 23. Furthermore, the applicant was aware of the importance of attending an SBP brief and accomplishing a DD Form 2656, having concurred on her spouse's SBP election for child only coverage on 28 Mar 19 prior to his retirement. To provide an additional opportunity to change an election without a proven justification not given to others would be inequitable.

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 6 Aug 24, for comment (Exhibit D), and the applicant replied on 26 Aug 24. In her response, the applicant contended she did not know the importance of attending the SBP briefing and asks the Board to forgive her lack of knowledge. She believes the Board should grant her request due to her out processing counselor signing her off in vMPF after she told her she was not able to make an appointment with the SBP counselor. This caused the applicant to believe that everything would be fine regarding SBP. She reiterates her contention that she was not aware of the email from her SBP counselor due to already having out-processed the base and no longer having access to her email. The applicant asserts/argues that the SBP counselor never mentioned to her that although she had out-processed the base, she could still get briefed on SBP, which is required for all members.

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 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 has an option to discontinue SBP coverage. In accordance with 10 U.S.C. § 1448a, participants may elect to discontinue participation in SBP by submitting DD Form 2656-2, Survivor Benefit Plan (SBP) Termination Request, during the period that is more than 2 years, but less than 3 years, after the first date of entitlement to receive retired pay. The member must sign the request no earlier than the first day of the 25th month, and no later than the last day of the 36th month from the date of entitlement to retired pay, with spousal written concurrence, if applicable. While members have this option to discontinue participation in SBP, previously paid premiums will not be refunded. 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-2024-01809 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, w/atchs, dated 2 May 24.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory, AFPC/DPFC, dated 2 Aug 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 6 Aug 24.
- Exhibit E: Applicant’s Response dated 26 Aug 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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*Work-Product*, GS-15, DAF

*Work-Product*, AFBCMR

Signed by: USAF

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