



UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01917

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

During his SBP briefing the SBP counselor informed him that he had the option to withdraw from SBP at any time if he deemed it necessary. However, he is currently attempting to withdraw from SBP and has been informed by Defense Finance and Accounting Service (DFAS) that he can withdraw two years from the enrollment date. Additionally, he was informed by the SBP counselor that payments for SBP would be deducted from his retirement pay, but he just discovered that he was 3 payments delinquent. This is a deeply concerning situation and has placed him in a financial predicament due to misinformation from the SBP counselor. He is asking for his SBP withdrawal request to be granted; it would be a great relief to him and his family, as he is currently unemployed, and his only source of income is his VA disability.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a medically retired staff sergeant (E-5).

On 3 Nov 23, according to DD Form 2656, *Data for Payment of Retired Personnel*, the applicant elected Option B (Coverage for Spouse and Child[ren]) based on full retired pay.

On 8 Jan 24, according to Special Order **Work-Product**, dated 18 Oct 23, the applicant retired from the Regular Air Force.

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. All retiring service members are required to attend a mandatory SBP briefing with a certified Air Force SBP counselor prior to the member's retirement date. The SBP briefing provides the member information on the options and effects of the SBP and is detailed on the SBP Record of Individual

Personnel (RIP) document provided to the member during and after the briefing. The member and spouse, if applicable, also receive an individualized retired pay and SBP cost estimates obtained from the retired pay estimation calculator located on the *MyAirForceBenefits* website or calculated for those member's retiring with a permanent (PDRL) or temporary (TDRL) disability. Once the member has decided on a SBP election, the DD Form 2656 is completed with spouse concurrence, if applicable. A SBP election can be made any time prior to the date of retirement to include changes in election coverage. An election may not be arbitrarily terminated as long as the beneficiary remains eligible; however, Title 10 United States Code, Section 1448a(a), provides for a one year period beginning on the 25th month and ending on the 36th month following commencement of retired pay, during which SBP participants may choose to voluntarily discontinue their participation. If the retiree fails to exercise the disenrollment option during the one year eligibility period, the SBP election is considered permanent and irrevocable as long as the beneficiary remains eligible.

The DoD Person Search records contained in the Defense Enrollment Eligibility Reporting System (DEERS) reflect the applicant and his spouse were married at the time of his retirement and were briefed on the options and effects of the SBP. On 3 Nov 23, the applicant completed and signed the DD Form 2656 electing spouse and children maximum coverage which was witnessed by a certified Air Force SBP counselor. SBP elections are made voluntarily and become irrevocable once the member retires with a one-time termination option between the 25th and 36th month after the service member's retirement date. Once that time approaches the applicant can opt out of the SBP by completing DD Form 2656-2, *Survivor Benefit Plan (SBP) Termination Request* with spouse concurrence. At this time, the applicant has two options to pay for the SBP premiums: (1) deduction from his disability pay by completing a DD Form 2891, *Authorization for Retired Serviceman's Family Protection Plan (RSFPP) and/or Survivor Benefit Plan (SBP) Costs Deduction* or (2) sending direct remittance pay monthly to DFAS-CL. The applicant was provided an SBP briefing on the option and effects of an election and cost estimates before deciding to elect coverage. To offer an additional opportunity not given to other service members is an inequitable advantage.

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 2 Aug 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 supporting documentation provided by the applicant does not show he was miscounseled nor has he established a justifiable reason to authorize a change. 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. Members must sign the request no earlier than the 1st 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. Previously paid premiums will not be refunded. The applicant has an opportunity to discontinue SBP coverage during the one year period mentioned above. 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-2024-01917 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 28 May 24.

Exhibit B: Documentary Evidence, including relevant excerpts from official records.

Exhibit C: Advisory, AFPC/DPFC, dated 1 Aug 24.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 2 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.

10/21/2025

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Associate Director, AFBCMR

Signed by: USAF

AFBCMR Docket Number BC-2024-01917

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