

[REDACTED]

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-02222

COUNSEL: [REDACTED]

HEARING REQUESTED: [REDACTED]

APPLICANT'S REQUEST

Her election of benefits under the Survivor Benefit Plan (SBP) be changed to show she specifically made a timely election to decline SBP coverage and the balance owed be remitted.

APPLICANT'S CONTENTIONS

She chose not to enroll in the SBP during her out-processing briefing. However, since she was geographically separated from her active duty spouse, the DD Form 2656, *Data for Payment of Retired Personnel*, was sent to her spouse for notarized signature. The legal office at her spouse's location instructed him to return the signed, notarized DD Form 2656 to her location per the directions on the paperwork. The DD Form 2656 was placed in the outbox; however, it was never sent. As a result, her retirement date passed without the DD Form 2656 being processed, and she received the first bill. The legal office at her spouse's location had been trying to reach her; however, she was on terminal leave and had no government email access. Her spouse visited the legal office at his location, where the DD Form 2656 was still waiting to be re-signed. He re-signed the DD Form 2656 and sent it back to her location. Her home base received the signed, notarized DD Form 2656 but did not file it until she called them after receiving bills from Defense Finance and Accounting Service (DFAS) for six months.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force technical sergeant (E-6).

On 24 March 2023, according to DD Form 2656, the applicant elected Option G (Elect Not to Participate in SBP), her spouse concurred with the decision on 27 November 2023.

On 9 July 2023, according to Special Order [REDACTED], dated 14 March 2023, the applicant retired from the Regular Air Force.

On 10 June 2024, according to a memorandum from DFAS, the applicant was notified of an audit performed on her SBP account and there was a balance due. That same day, DFAS notified the applicant they had received her recent correspondence but could not take action to remit her debt to zero and SBP was restarted due to her DD Form 2656 being invalid as spousal concurrence was signed after her retirement date.

[REDACTED]

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 (SBP Program) recommends denying the application, indicating there is no evidence of an Air Force error or injustice nor any basis in the law to grant the request. The applicant was briefed on the options and effects of the SBP on 24 March 2023. She signed the Report on Individual Person after the one-on-one briefing acknowledging she understood the information that was briefed and was provided a copy. An SBP election can be made any time prior to the date of retirement to include changes in election coverage. 10 U.S.C., § 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 dis-enrollment option during the one-year eligibility period, the SBP election is considered permanent and is irrevocable as long as the beneficiary remains eligible.

On 24 March 2023, the applicant signed the DD Form 2656, electing not to participate in SBP. A memorandum was sent to the spouse from the applicant's SBP counselor on 11 April 2023, stating if he agreed with the declination, he was to return the signed and notarized copy of the DD Form 2656 back to the applicant's SBP counselor. The memorandum also stated if the documents were not returned prior to the applicant's retirement date the spouse SBP coverage would be established based on full gross retired pay which is the maximum coverage. Furthermore, a preaddressed envelope was provided for the spouse as a convenience for returning the document.

The DD Form 2656 signed by the applicant without her spouse's concurrence was uploaded into her Automated Records Management System records. Per supporting documents submitted by the applicant, the spouse concurrence for declining SBP coverage on the DD Form 2656 was not accomplished until 27 November 2023, the applicant's retirement date was 10 July 2023.

Her spouse contends he signed and notarized the document through his local legal office and the legal office was going to send the signed DD Form 2656 to his spouses SBP Counselor. However, there is no copy of the signed and notarized DD Form 2656 nor is there a memorandum from the spouse's legal office provided to support this claim.

For the applicant's retired pay account to be established, the DD Form 2656 was submitted to DFAS without the spouse's concurrence in order for there to be no delay in the applicant being paid. The applicant was auto-enrolled due to not receiving a spouse concurrence on the election to decline SBP. The applicant received a letter from DFAS on 10 June 2024 showing a balance of SBP premiums starting from October 2023. At that point the applicant reached out to her local SBP counselor to determine why she was receiving a debt for SBP spouse coverage. The applicant is eligible to terminate coverage during the one-year window 25th through the 36th month from her retirement date.

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 7 August 2024, for comment (Exhibit D), but has received no response.

[REDACTED]

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 Board notes the applicant was auto-enrolled due to non-receipt of her spouse's concurrence of her election to decline SBP. The applicant's current coverage can be permanently terminated between the 25th and 36th month after retiring. 10 U.S.C. § 1448a states 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 Board also notes the applicant did not provide any evidence nor was there any evidence in her record that confirms an error or injustice exist. 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-2024-02222 in Executive Session on 27 March 2025:

[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 20 June 2024.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory, AFPC/DPFC, dated 6 August 2024.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 7 August 2024.

[Redacted]

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.

10/23/2025

X [Redacted]

Associate Director, AFBCMR
Signed by: USAF

[Redacted]

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