



Work-Product

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-02728

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COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

He be disenrolled from the Survivor Benefit Plan (SBP) and reimbursed all SBP premiums deducted from his retired pay.

APPLICANT'S CONTENTIONS

During his separation from the Air Force, he was automatically enrolled in SBP and charged a monthly premium for almost three years. The Air Force and Defense Finance and Accounting Service (DFAS) have no record of a DD Form 2656, *Data for Payment of Retired Personnel*, with his authorization for enrollment in SBP. He was instructed to file a DD Form 149, *Application for Correction of Military Record Under the Provisions of Title 10, U.S. Code, Section 1552*, to receive back pay for the last three years of premiums paid toward SBP. This issue was discovered two years post service and required him to submit paperwork to DFAS for almost a year to discontinue SBP deductions.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 1 Apr 21, according to Special Order **Work-Product** dated 21 Jan 21, the applicant was relieved from active duty and placed on the Temporary Disability Retired List (TDRL) with a compensable percentage for physical disability of 70 percent, effective 2 Apr 01.

On 12 May 22, according to Special Order **Work-Product** dated 22 Apr 22, the applicant was removed from the TDRL and retired with a compensable percentage for physical disability of 70 percent.

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 Division) recommends granting the application. All retiring service members are required to attend a mandatory SBP briefing with a certified Air Force SBP counselor

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prior to the member's last date of retirement. The SBP briefing provides the member information on the options and effects of the SBP and is detailed on the SBP Report of Individual Personnel (RIP) provided to the member during the briefing. The member and spouse, if applicable, also receive individualized retired pay and SBP cost estimates obtained from the retired pay estimation calculator located on the *MyAirForceBenefits* website. Once the member has decided on an SBP election, the DD Form 2656 is completed. An SBP election, including changes in coverage, can be made any time prior to the date of retirement. Title 10 U.S.C., 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 member does not complete a valid or no DD Form 2656 is submitted to DFAS prior to their retirement date, they will be auto enrolled in the SBP program. If the retiree fails to exercise the disenrollment option during the one-year eligibility period, the SBP election is considered permanent and is irrevocable as long as the beneficiary remains eligible.

The applicant retired on 2 Apr 21. The Defense Enrollment Eligibility Reporting System (DEERS) records reflect the applicant was married to his spouse at the time of his retirement. After reviewing the applicant's Automated Records Management System (ARMS) record, they were able to confirm the applicant attended a one-on-one pre-separation briefing as well as the Transition Assistance Program (TAP) via FaceTime with the base TAP Manager on 20 Nov 21. However, there is no DD Form 2656 on file and there is no evidence the applicant was contacted to schedule an SBP briefing, received an SBP RIP, or completed DD Form 2656 prior to retirement. Due to these circumstances, DFAS auto enrolled the applicant in accordance with the law and premiums were deducted from the applicant's account. The applicant and his spouse signed an *SBP and Reserve Component Survivor Benefit Plan (RCSBP) Open Season Election to Discontinue Participation* on 19 Nov 23 and submitted the document to DFAS. The applicant was disenrolled from SBP and his retired pay account was updated as of 24 Aug 23, reflecting declined coverage. However, there were no premiums returned with the discontinuance during the Open Season. Although it is the applicant's responsibility to complete all of the mandatory actions associated with his retirement, the SBP counselor is required to contact each retiring member to ensure the mandatory SBP briefing and election is completed prior to the member's retirement. Additionally, the SBP counselor is required to contact the spouse when applicable to provide information on SBP and all associated costs and benefits. In this case there is no documented evidence this action was taken, and the previous SBP counselor has since retired. The spouse's notarized signature on the Open Season disenrollment form is valid for spouse concurrence to decline coverage, no additional statement will be necessary.

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 8 Oct 24 for comment (Exhibit D) but has received no response.

FINDINGS AND CONCLUSION

1. The application was timely filed.
2. The applicant exhausted all available non-judicial relief 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 AFPC/DPFC and finds a

preponderance of the evidence substantiates the applicant’s contentions. Therefore, the Board recommends correcting the applicant’s records as indicated below.

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

- a. On 21 Jan 21, he declined to participate in SBP, and his spouse concurred with the decision.
- b. He be reimbursed all SBP premiums deducted 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-2024-02728 in Executive Session on 27 Mar 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, dated 29 Jul 24.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory, AFPC/DPFC, dated 7 Oct 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 8 Oct 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.

6/3/2025

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Board Operations Manager, AFBCMR
Signed by: Work-Product