

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-02956

COUNSEL:

HEARING REQUESTED:

APPLICANT'S REQUEST

He be disenrolled from the Survivor Benefit Plan (SBP).

APPLICANT'S CONTENTIONS

In May 23, he submitted an application for his new spouse to receive SBP benefits through the Open Enrollment Program. In Oct 23, he received an offer and requested an opportunity to review an alternative program. He did not receive a response until 29 Jul 24. The letter he received stated he had 30 days from 26 Jun 24 to make a decision. He immediately made a phone call and sent a letter the following day indicating he had chosen not to proceed with the program. He was informed he was already enrolled and that funds had been deducted from his pay for the past 90 days. To this day, he is unaware of which program he is being charged for, nor has he been provided with any information about the program's details or its cost. It seems a decision was made on his behalf. He was denied the right to choose whether to participate. He has written several letters seeking clarification on the costs associated; however, he has never fully understood the costs involved to make an informed decision. Despite this, he discovered his pay was being deducted and he still has no clarity on what the charges are for.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force major (O-4). He retired on 1 Aug 90.

The applicant was married at the time of his retirement and he declined SBP coverage.

His former spouse passed away on 29 Jul 20.

On 21 May 22, the applicant married his current spouse. However, because he had initially declined SBP coverage, his current spouse was not eligible for SBP coverage.

On 21 May 23, according to the Survivor Benefit Plan (SBP) and Reserve Component Survivor Benefit Plan (RCSBP) Open Enrollment Election form, the applicant elected SBP spouse coverage, with a reduced base amount of \$725.00. Based on the estimate, he elected to make a one-time full payment for the total "buy-in premium" amount due.

[REDACTED]

On 12 Jul 23, the applicant received a letter from the Defense Finance and Accounting Service (DFAS) informing him that his 2023 SBP Open Season request was incomplete. Specifically, he had failed to select the SBP base amount for his request (full gross retired pay or reduced base pay amount) and the requested reduced amount for the estimate exceeded his actual gross pay. The applicant was requested to resubmit his request with an appropriate amount for the requested estimate.

On 15 Sep 23, the applicant sent a letter to DFAS reaffirming his intended base amount of \$725.00. His form was erroneously modified by DFAS making his requested base amount as \$725,218.13. The added information confused the DFAS team. The DFAS person he spoke with in Aug 23 indicated she would place comments into his file to clear the matter up; however, he has not received a response from DFAS.

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) recommends partially granting the application. At the time of retirement, service members and their spouses (if applicable) receive a briefing on the available SBP options, and their impact based on the current dependent status and potential future dependents. It is the responsibility of each retiree to take timely and appropriate action to ensure their eligible beneficiaries are properly designated for military retired pay benefits. Once a member retires and selects an option that does not include coverage for a spouse, SBP coverage cannot be added for that spouse or any future spouse, unless authorized by Congress during an open enrollment period.

The 2023 National Defense Authorization Act (NDAA), enacted under Public Law 117-263, established a SBP open season that ran from 23 Dec 22 through 1 Jan 24. This open season allowed military retirees receiving retired pay who were not enrolled in SBP as of 22 Dec 22 to opt into the program. Under the law, retirees who enrolled during this period are generally required to pay retroactive SBP premiums. These premiums are calculated from the earliest date an eligible beneficiary could have been covered, either the retiree's date of retirement or the date the beneficiary became eligible, if eligibility occurred after member's retirement date.

The applicant retired on 1 Aug 90 and was previously married to his former spouse who passed away on 29 Jul 20. At the time of his retirement, he declined SBP coverage. He later remarried on 21 May 22; however, because he had initially declined SBP coverage, his current spouse did not receive automatic eligibility.

During the SBP open season, which allowed retirees not previously enrolled to elect coverage, the applicant submitted his SBP open enrollment election on 21 May 23. He elected "spouse only" coverage at a reduced base amount of \$725.00 and selected Option A, Based on the estimate he elected to submit a one-time full payment for the total amount of the buy-in premium due. He also provided his marriage certificate as supporting documentation.

On 12 Jul 23, DFAS sent a letter to the applicant due to a misinterpretation of the base amount listed in his Letter of Intent (LOI). The applicant entered "\$725.00 @ 18.13" but DFAS mistakenly interpreted this as a base amount of \$725,218.13. In response, on 15 Sep 23, the applicant submitted a clarification letter, reaffirming his intended base amount of \$725.00 and reattached

[REDACTED]

his original SBP enrollment form. DFAS subsequently confirmed his enrollment under the SBP open season and outlined the corresponding buy-in premium requirements.

On 31 Jul 24, the applicant sent a letter to DFAS requesting to cancel the SBP coverage elected during Open Season. However, on 5 Aug 24, DFAS denied the request because it was submitted outside the 30-day cancellation window allowed under open season guidelines. Per guidance from the Office of the Secretary of Defense, members are permitted to disenroll within 30 days of signing the election form.

According to DD Form 149, *Application for Correction of Military Record*, the documentation provided by the applicant shows that he was fully aware of the coverage he elected for his spouse and the associated costs, submitting the required paperwork multiple times to confirm enrollment. The only error in this case was DFAS's misreading of the symbol "@" as the number "2," which led to an incorrect interpretation of the intended base amount.

Accordingly, the appropriate corrective action is to adjust the elected base amount to \$725.00, consistent with the applicant's original SBP election form. There is no evidence of an Air Force error or injustice, nor any legal grounds to approve this request. However, due to the misinterpretation of the applicant's requested base amount, it is recommended the applicant's SBP base amount be corrected to \$725.00, with any overpayment of premiums adjusted in the retroactive premiums owed.

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 25 Feb 25, 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 in part. The Board acknowledges an administrative error occurred at DFAS regarding the interpretation of the applicant's requested reduced base amount of SBP coverage and he now requests he be disenrolled from the SBP. However, the Board finds the applicant's clarification letter he sent to DFAS, dated 15 Sep 23, reaffirming his intended base amount of \$725.00 as well as his original SBP enrollment form sufficient to justify granting the applicant's original base amount of SBP election. However, the evidence presented did not demonstrate an error or injustice to warrant granting the applicant's request he be disenrolled from the SBP and the Board therefore finds no basis to recommend granting that portion of the applicant's request. Therefore, the Board recommends correcting the applicant's records as indicated below.

RECOMMENDATION




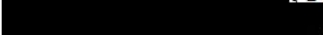

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that:

On 21 May 23, he elected spouse only coverage under the 2023 SBP Open Season Enrollment at a reduced base amount of \$725 and any overpayment of premiums be adjusted in the retroactive premiums owed.

However, regarding the remainder of the applicant’s request, the Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the application will only be reconsidered upon receipt of relevant evidence not already considered by the Board.

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-2024-02956 in Executive Session on 26 Jun 25:

, Panel Chair
, Panel Member
, Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 19 August 2024.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory, AFPC/DPFC, dated 24 February 2025.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 25 February 2025.

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.

X 

Board Operations Manager, AFBCMR
Signed by: USAF

