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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2024-03020

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His election of benefits under the Reserve Component Survivor Benefit Plan (RCSBP) be changed. Specifically, to convert child coverage to spouse coverage.

APPLICANT'S CONTENTIONS

His RCSBP coverage should reflect his spouse as the beneficiary and not his son. He was married 25 Jun 16 and updated his records through Defense Enrollment Eligibility Reporting System (DEERS) at his local Force Support Squadron (FSS). He did not knowingly change his beneficiary since that time and feels that he was improperly counseled.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air National Guard Chief Master Sergeant (E-9) awaiting retired pay at age 60.

On 6 Jan 22, ARPC/DPTT sent the applicant the standard notification of eligibility for retired pay (20-year letter) informing him that he has completed the required years under the provisions of Title 10 United States Code, Section 12731 (10 U.S.C. § 12731), and entitled to retired pay upon application prior to age 60. In addition, he was eligible to participate in the RCSBP and should receive detailed RCSBP information by certified mail within 60 days. The RCSBP information included instructions to reply within 90 days of receipt. The letter included an attachment with information on RCSBP and instructions to reply within 90 days of receipt.

On 21 Sep 23, according to DD Form 2656, *Data for Payment of Retired Personnel*, the applicant elected Option C, *Previously elected or defaulted to immediate RCSBP Coverage*.

On 20 Jan 24, according to Reserve Order *Work-Product* dated 5 Jun 24, the applicant was assigned to the Retired Reserve Section and placed on the Air Force Reserve Retired List.

For more information, see the excerpt of the applicant's record at Exhibit B and the advisory at Exhibit C.

AIR FORCE EVALUATION

AFBCMR Docket Number BC-2024-03020

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Controlled by: SAF/MRB
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Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

ARPC/DPTT (Transition Division) recommends granting the application. A review of the applicant's Military Personnel Record shows no proof he received his NOE and never made his RCSBP election. The SBP is administered pursuant to Title 10, U.S.C., Subchapter II, Chapter 73. SBP pays a monthly benefit to designated survivors of an eligible service member or retiree. SBP, and the associated RCSBP program, allows service members and retirees to ensure their designated beneficiaries continue to receive an annuity in place of their retired pay after their own death. All Reserve Component service members who are eligible to participate in RCSBP, but who fail to make an election in the prescribed time will, by law, automatically have full, immediate RCSBP coverage for their dependent spouse and/or children, based upon dependents in the member's record in the Military Personnel Data System (MilPDS). The prescribed time limit for RCSBP election is before the end of the 90th day after the service member receives notification of having completed the years of service to be eligible for non-regular retirement in accordance with Title 10 U.S.C., § 12731. On 7 Nov 09, the applicant completed 20 satisfactory years of service, however ARPC does not have record of the applicant's DD Form 2656-5, *Reserve Component Survivor Benefit Plan (RCSBP) Election Certificate*, PS 3811, or ARPC Form 123 to confirm selection of RCSBP.

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 10 Jan 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 ARPC/DPTT and finds a preponderance of the evidence substantiates the applicant's contentions. The applicant did not receive his NOE, and was unable to make the initial election, so he should be authorized to make the election for SBP now having reached the appropriate age for retirement pay. 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 Sep 23, he made a timely RCSBP election to name his current spouse as his beneficiary.

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-2024-03020 in Executive Session on 24 Apr 25:

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Panel Member

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Panel Member

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

Exhibit A: Application, DD Form 149, dated 23 Aug 24.

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

Exhibit C: Advisory, ARPC/DPTT, dated 6 Jan 25.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 10 Jan 25.

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.

9/16/2025

X

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Associate Director, AFBCMR

Signed by: USAF

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