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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-03131

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COUNSEL: NONE

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

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

### APPLICANT'S CONTENTIONS

She does not recall her spouse or herself being counseled on the SBP program. DD Form 2656, *Data for Payment of Retired Personnel*, which states her election on whether she would like SBP coverage was never received by the SBP office. She does not recall being contacted by a SBP representative and told that she was automatically enrolled into SBP, nor does she recall being provided information on how to opt out of the automatic enrollment by an SBP representative.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a medically retired Air Force first lieutenant (O-2).

On 12 Oct 21, according to Special Order **Work-Product**, dated 12 Aug 21, the applicant was placed on the Temporary Disability Retired List (TDRL) with a compensable percentage for physical disability of 50 percent.

On 1 Oct 23, according to Special Order **Work-Product**, dated 11 Sep 23, the applicant was removed from the TDRL and retired, with a compensable percentage of 50 percent for physical disability.

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

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for those member's retiring with a permanent disability. Once the member has decided on an SBP election the DD Form 2656 is completed with spouse concurrence, if applicable. An 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 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 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 was medically retired on 12 Oct 21, DoD Person Search via Defense Enrollment Eligibility Reporting System (DEERS) records reflect the applicant was married at the date of retirement and currently remains married. According to the SBP RIP located in the applicant's Automated Records Management System (ARMS), she received a mandatory SBP briefing from the SBP Counselor at Work-Pr... AFB on 10 Sep 21. The applicant was briefed on the effects, options, and provisions of SBP prior to her 12 Oct 21 retirement date. Also, annotated on the SBP RIP is the statement signed by the member "I certify that I have been briefed on and understand all the provisions of the SBP as outlined in items A through R, above. I understand that if I fail to make a valid SBP election prior to my retirement date, and if I am married and my spouse fails to concur in an election for less than full spouse coverage, Defense Finance Accounting Service (DFAS) will automatically establish full coverage by operation of law." The applicant failed to submit her signed DD Form 2656 annotating her election to the SBP Counselor at Work-Pr... AFB prior to her retirement date. Due to the lack of a valid election being submitted to DFAS, the applicant has been placed in auto enrollment for spouse coverage. Although the applicant contends she does not recall being briefed or being notified to be briefed, the documented evidence (signed SBP RIP) denotes otherwise. Additionally, there were two other times for the member to opt out of the SBP; (1.) Between the 25th-36th month after retirement (listed in Section N of the SBP RIP) and (2.) 2024 SBP Open Season, which allowed any retiree participating in the SBP the option to disenroll. There is no evidence the applicant took advantage of either option to terminate coverage. To provide an additional opportunity not given to others would be an injustice for those retirees who adhere to the instructions and guidance provided to them.

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 24 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 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. There is no evidence the applicant took advantage of multiple opportunities to terminate coverage. Furthermore, the applicant attended an SBP briefing and signed it, acknowledging that she was

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required to make an election prior to retirement and all pertinent documentation was provided to her. In view of the foregoing and in the absence of persuasive evidence to the contrary, the Board is not compelled to recommend an action to terminate her SBP coverage. 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-2024-03131 in Executive Session on 24 Apr 25:

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, dated 8 Aug 24.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory, AFPC/DPFC, dated 23 Jan 25.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 24 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.

10/24/2025

X

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Work-Product GS-15, DAF

Associate Director, AFBCMR

Signed by: USAF

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