

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-03135

COUNSEL:

HEARING REQUESTED:

APPLICANT'S REQUEST

She be disenrolled from the Survivor Benefit Plan (SBP) and be reimbursed all SBP payments deducted from her retirement pay.

APPLICANT'S CONTENTIONS

On 10 March 2009, she completed DD Form 2656-5, *Reserve Component Survivor Benefit Plan (RCSBP) Election Certificate*, and deferred SBP, and on 30 April 2011 she retired from the Air Force Reserve. On 8 May 2023, she contacted the Air Reserve Personnel Center (ARPC) and requested instructions for obtaining early retirement pay and was told she did not need to apply until 2024. In April 2024, she contacted ARPC again and was told to complete DD Form 2656, *Data for Payment of Retired Personnel*. Per ARPC's instructions, she completed the form and declined SBP again with her husband's concurrence. She uploaded her application documents but did not know the date she would be approved for early retirement. A couple of months later, her request for Reduced Retired Pay Age (RRPA) was approved and she began receiving retirement pay backdated to February 2024. She also noticed SBP premiums being deducted, and contacted the Defense Finance and Accounting Service (DFAS) on 16 July 2024. DFAS opened a ticket and stated they would correct the problem. After almost 2 months, she noticed SBP deductions continued. She contacted DFAS again on 3 September 2024 and was told to submit this application. She is disappointed DFAS never notified her the ticket was closed.

The applicant's complete submission is at Exhibit A.

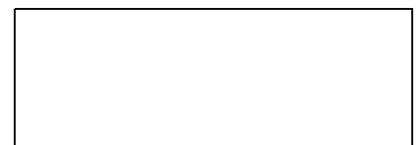
STATEMENT OF FACTS

The applicant is a retired Air Force Reserve lieutenant colonel (O-5).

On 1 December 2008, ARPC/DPTT sent the applicant the standard notification of eligibility (NOE) for retired pay (20-year letter) informing her that she 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, she was eligible to participate in the RCSBP.

On 10 March 2009, according to DD Form 2656-5, the applicant elected Option A, *I Decline to Make an Election Until Age 60*, and her spouse concurred with the decision.

On 1 May 2011, according to Reserve Attorney-Client, dated 13 December 2010, the applicant was assigned to the Retired Reserve Section and placed on the Air Force Reserve Retired List.



On 23 April 2024, according to DD Form 2656, the applicant elected Option A, *Previously declined to make an election until eligible to receive retired pay*, and Option G, *I elect not to participate in SBP*, and her spouse concurred with the decision.

On 28 February 2024, according to Reserve Order, dated, the applicant was authorized retired pay and placed on the USAF 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

ARPC/DPTT (Transition Division), recommends granting the application. 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. 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 10 U.S.C. § 12731.

ARPC requested clarification from DFAS regarding SBP premiums being deducted from the applicant's retired pay. They noted that in 2009 the applicant deferred making an election until age 60, and in 2024 when she applied for retired pay she elected not to participate in SBP. In their response, DFAS indicated the DD Form 2656 was deemed invalid due to signatures being dated after the applicant's retirement date of 28 February 2024. Based on the documentation provided by the applicant and the analysis of the facts, there is evidence of an error.

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 5 February 2025 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's initial retirement effective date was 28 November 2024, and her DD Form 2656 election was effective 23 April 2024. However, her Reduced Retired Pay Age request was approved, changing her retirement effective date from 28 November 2024 to 28 February 2024. Her DD Form 2656 election was based on the initial November retirement date. 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:

a. She elected Option A, *Previously declined to make an election until eligible to receive retired pay*, for her Reserve Component Survivor Benefit Plan (RCSBP) within 90 days of her Notification of Eligibility and her spouse concurred with the decision.

b. On 23 April 2024, she elected not to participate in SBP and her spouse concurred with the decision.

c. She be authorized full reimbursement of all SBP premiums withheld from her 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-2024-03135 in Executive Session on 29 May 2025:

, 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 20 September 2024.

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

Exhibit C: Advisory, ARPC/DPTS, dated 29 January 2025.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 5 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.

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DAF

Associate Director, AFBCMR