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

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RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-03371

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COUNSEL: Work-Product

HEARING REQUESTED:

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APPLICANT'S REQUEST

He be dis-enrolled from the Survivor Benefit Plan (SBP) and refunded premiums deducted from his retired pay.

APPLICANT'S CONTENTIONS

He declined participation in SBP when he completed his retirement paperwork and never signed up to contribute to this plan. Since the deduction is a small amount, he did not notice the deduction until recently. He called the Defense Finance and Accounting Service (DFAS) and Total Force Service Center but neither office could stop the deduction, nor could they initiate reimbursement. Representatives from both offices reviewed his retirement paperwork and verified his SBP declination but were unable to explain why he was enrolled.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force Reserve captain (O-3).

On 18 Apr 18, according to Reserve Order Work-Product, dated 4 Dec 17, the applicant was assigned to the Retired Reserve Section and placed on the Air Force Reserve Retired List.

On 23 Feb 21, according to DD Form 2656, *Data for Payment of Retired Personnel*, the applicant elected Option A, *Previously declined to make an election until eligible to receive retired pay* (for Reserve Component Survivor Benefit Plan (RCSBP)) and Option G, *I elect not to participate in SBP*. The applicant also indicated his marital status as "Single" with one dependent child.

On 14 May 21, according to Reserve Order Work-Product, dated 7 Apr 21, the applicant was authorized retired pay and placed on the United States Air Force 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

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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 Title 10, U.S.C., Section 12731.

On 4 Dec 17, Reserve orders were published placing the applicant on the Retired Reserve List, effective 18 Apr 18. This coincides with the applicant having completed 20 satisfactory years of service on 18 Apr 18. The RCSBP Notification of Eligibility (NOE) takes approximately 120 days for members to receive as there is a delay in the point credit summary reflecting the 20 satisfactory years on record. ARPC has no record of the applicant having been sent or receiving the NOE.

On 13 Feb 21, the applicant applied for retired pay with an effective date of 14 Apr 21 and completed a DD Form 2656 in conjunction with his retirement application. In Section X, *Survivor Benefit Plan (SBP) Election*, Block 35 the applicant elected Option A and Option G in Block 36, indicating he did not have "eligible dependents under the plan." Ideally, the applicant should have indicated that he did have a dependent, which he identified under Section IX, *Dependency Information*, in Block 32. His retirement was approved and processed and the pay package sent to DFAS on 9 Apr 21 for further processing. Since DFAS can view information in the Defense Enrollment Eligibility Reporting System of those applying for retired pay, and the applicant had a child on the date in which he completed his 20 years of satisfactory service, DFAS more than likely assumed he received the NOE and automatically established full coverage for the child.

Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice on the part of ARPC. ARPC has no record of the applicant ever having received the NOE within the 90-day timeframe to make an informed RCSBP election.

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 Feb 25 for comment (Exhibit D) but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed, but it is in the interest of justice to excuse the delay.
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. There is no evidence that the applicant received the Notification of Eligibility for RCSBP to make an informed decision. Accordingly, his election declining participation in SBP submitted at retirement should be honored, and all RCSBP and SBP premiums deducted from his retired pay should be refunded. Therefore, the Board recommends correcting the applicant's records as indicated below.

RECOMMENDATION

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

- a. He elected Option A, *Previously declined to make an election until eligible to receive retired pay*, for his Reserve Component Survivor Benefit Plan (RCSBP) within 90 days of his Notification of Eligibility.
- b. On 23 Feb 21, he elected not to participate in the Survivor Benefit Plan (SBP).
- c. He be authorized full reimbursement of all SBP premiums withheld 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-2024-03371 in Executive Session on 29 May 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 19 Sep 24.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory, ARPC/DPTT, dated 6 Feb 25
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 10 Feb 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.

8/8/2025

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Board Operations Manager, AFBCMR
Signed by: USAF

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