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

**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2024-03740

Work-Product

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

**APPLICANT'S REQUEST**

His current spouse be designated as his Survivor Benefit Plan (SBP) beneficiary.

**APPLICANT'S CONTENTIONS**

He was not aware his SBP was auto selected for child(ren) coverage at the time of his 20 years of service. He was not married at the time but married in Jan 15. He was married when he retired in Aug 17. His actual retired pay would not take effect until Aug 23, this is when a mistake was made to list his children as the beneficiaries for his SBP.

He did not have an SBP counselor when he submitted his DD Form 2656, *Data for Payment of Retired Personnel*, dated 14 Feb 23, for early retirement pay. His attempts to correct his SBP have been met with frustration and rejection. He was advised by the myPay team to submit his appeal to the AFBCMR.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is a retired Air Force chief master sergeant (E-9).

On 7 Mar 05, the applicant completed 20 years of satisfactory service. The applicant's records do not include the 20 year letter to show he was notified of the eligibility for RCSBP.

On 31 Dec 09, the applicant and his former spouse married.

On 20 Jun 14, the applicant and his former spouse divorced.

On 10 Jan 15, according to a certificate of marriage, provided by the applicant, he married his current spouse.

On 31 Jan 17, according to Reserve Order **Work-Product**, dated 22 Aug 16, the applicant was assigned to the Retired Reserve Section and placed on the Air Force Reserve Retired List.

The DD Form 2656, dated 14 Feb 23 reflects the applicant listed his current spouse as his SBP beneficiary and he elected Option B, *Previously elected coverage to begin at age 60*.

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On 25 Aug 23, according to Reserve Order **Work-Product** dated 22 Sep 23, 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.

## APPLICABLE AUTHORITY

10 U.S.C. § 1448(a)(2)(B). "Participants in the plan. The Plan applies to the following persons, who shall be participants in the Plan: ... Reserve component annuity participants. A person who (i) is eligible to participate in the Plan under paragraph (1)(B), and (ii) is married or has a dependent child when he is notified under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve component retired pay, unless the person elects (with his spouse's concurrence, if required under paragraph (3)) not to participate in the Plan before the end of the 90-day period beginning on the date on which he receives that notification."

DoD 7000.14-R, *Financial Management Regulation*, Volume 7B, Chapter 540401. "Any member who is notified of his or her completion of the years of service required for retired pay eligibility for non-regular retirement may elect to participate in RCSBP before the end of the 90-day period. A member who is married or has a dependent child, and who receives notice of eligibility for retired pay, after 1 Jan 01, is automatically an immediate participant in RCSBP unless the member elects (with spousal concurrence, if required) not to participate or to defer the decision or delay coverage before the end of the 90-day period."

DoD 7000.14-R, Volume 7B, paragraph 540402. "A member electing to participate must designate an immediate election, a deferred election, or indicate a decision to delay the election until reaching retirement age. These are described as Options A, B, or C."

DoD 7000.14-R, Volume 7B, paragraph 540404. "Any Reserve member who does not have an eligible beneficiary when becoming eligible to participate in the RCSBP, who later marries or acquires a dependent child, may elect to participate in the RCSBP, if the election is completed within one year of acquiring a spouse or dependent child."

10 U.S.C. § 1448(a)(3)(B). "A married person who is eligible to provide a Reserve-component annuity may not without the concurrence of the person's spouse elect (i) not to participate in the Plan; (ii) to designate under subsection (e)(2) the effective date for commencement of annuity payments under the Plan in the event that the member dies before becoming 60 years of age to be the 60th anniversary of the member's birth (rather than the day after the date of the member's death); (iii) to provide an annuity for the person's spouse at less than the maximum level; or (iv) to provide an annuity for a dependent child but not for the person's spouse."

DoD 7000.14-R, Volume 7B, paragraph 5408. "The Government does not subsidize the cost of providing RCSBP coverage under the immediate or deferred annuity option, but the members and beneficiaries who potentially will benefit from the coverage share the cost. The cost to the retiree, known as the Reserve Component Premium, is in the form of an additional deduction from his or her retired pay beyond the Standard Premium. The RCSBP, unlike SBP, requires a reduction in the survivor annuity. That reduction, known as the Survivor's Annuity Premium Deduction, begins when the survivor begins to receive an annuity. The Reserve Component Premium and the Survivor's Annuity Premium Deduction increase at the same time and by the same percentage that retired pay increases by cost-of-living adjustments."

## AIR FORCE EVALUATION

ARPC/DPTT (Transition Division) recommends granting the application. The applicant was assigned to the Retired Reserve on 31 Jan 17 and received a Regular Retirement Pay Age (RRPA) retirement on 25 Aug 23. On 7 Mar 05, he reached his 20 year mark. Members who reach the 20 year mark are eligible for a non-regular retirement. Per DoDI 1332.42, *Survivor Benefits Policy*, a member is notified and prompted to make a RCSBP election within 90 days after notification of their eligibility. Members who fail to make an election within 90 days are automatically updated to have full, immediate RCSBP coverage for their spouse and dependent children. The applicant claims he did not make an election and was unaware an automatic election was made. The applicant did not have a spouse at the time of the election; therefore, he only received coverage for his children. There is no evidence in the applicant's record that shows he received a non-regular retirement eligibility letter (20 year letter) on or before 7 Mar 05. There is also no evidence he was properly notified or prompted to make an RCSBP election.

In 2017, the applicant attempted to change his SBP election due to marriage. Per DoDI 1332.42, a covered participant who did not have a spouse or former spouse when initially eligible to make an election to participate in SBP or RCSBP, who later marries may elect within one year of marriage to cover the new spouse. The applicant married his current spouse on 10 Jan 15. Unfortunately, he attempted to make his election two years after his marriage and was no longer eligible to make the change. In 2023, the applicant again attempted to make changes to his SBP during the 2023 Open Enrollment.

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 17 Mar 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. Based on the evidence, it appears the applicant was not provided the required 20 year letter upon reaching his 20 year mark and he was not properly counseled on RCSBP/SBP. Subsequently, an automatic election was made for him and his records were updated for children only coverage since he was not married at the time. After his marriage on 10 Jan 15, the applicant in 2017 attempted to elect SBP coverage for his spouse; however, his request was denied because it was not made within one year of the marriage as required. Since there is evidence the applicant was not provided the required 20 year letter, the Board finds it is in the interest of justice to grant the applicant's request his records be corrected to reflect he made a timely election for spouse coverage under SBP. Accordingly, in the interest of justice, the Board recommends the applicant's records be corrected to reflect he made a timely election for spouse SBP coverage. Therefore, the Board recommends correcting the applicant's records as indicated below.

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4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

**RECOMMENDATION**

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

a. He elected Option A, *I decline 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 25 Aug 23, he submitted his election for spouse coverage under SBP, based on the full level of retired pay, naming his current spouse as the eligible beneficiary.

c. Approval is contingent upon recovery of SBP premiums. If applicable, the monthly survivor benefit annuity will be applied to the premium debt until the total amount of premiums owed is recovered.

**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-2024-03740 in Executive Session on 15 Aug 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, w/atchs, dated 21 Oct 24
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory, ARPC/DPTT, dated 14 Mar 25.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 17 Mar 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.

9/5/2025

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Board Operations Manager, AFBCMR  
Signed by: USAF