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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-03791

[REDACTED]

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

She be disenrolled from the Survivor Benefit Plan (SBP), and the premiums deducted from her retired pay be refunded.

APPLICANT'S CONTENTIONS

In 2014, she retired from the Air Force Reserve and declined participation in Reserve Component Survivor Benefit Plan (RCSBP). She completed an updated form prior to retirement (with pay) and was told she defaulted to SBP. She did not elect SBP and would like to opt out of the benefit. She contacted the Defense Finance and Accounting Service (DFAS), and they informed her that due to the default status, she must apply to the AFBCMR for correction.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is retired Air Force Reserve senior master sergeant (E-8).

On 9 Jul 85, the applicant married her former spouse.

On 19 Feb 08, ARPC/DPTT sent the applicant the standard Notification of Eligibility 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 7 Jul 08, according to signed PS Form 3811, *Domestic Return Receipt*, an RCSBP package was delivered to the applicant's address.

On 9 Jul 14, the applicant married her current spouse.

On 19 Oct 14, according to Reserve Order [REDACTED], dated 13 Jun 14, the applicant was assigned to the Retired Reserve Section and placed on the Air Force Reserve Retired List.

On 2 Nov 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*, and her spouse

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[REDACTED]



[REDACTED]

concurred with the election. In addition, Option C lists the following statement: “NOTE: If you were married and/or had eligible children at the time you were notified of eligibility for non-regular retirement (on or after 1 Jan 01) and did not complete DD Form 2656-5 (RCSBP Election Certificate), you defaulted to full coverage under OPTION C – do not make an election in Item 36.” In Item 40, *Former Spouse Information*, the applicant indicated she and her former spouse were married on 9 Jul 85, but she failed to list the date of divorce.

On 2 Feb 24, according to Reserve Order [REDACTED], dated 28 Mar 24, the applicant was authorized retired pay and placed on the United States Air Force Retired List.

On 26 Sep 24, according to documentation provided by the applicant, DFAS responded to the applicant’s request to change the date of birth of spouse beneficiary on her SBP account. They acknowledged receipt of a divorce decree for her former spouse and the marriage certificate for her current spouse.

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

APPLICABLE AUTHORITY

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 540701. “Elections filed during the 90-day period referred to in paragraph 540401 are generally irrevocable unless revoked before the expiration of the 90-day period.”

10 U.S.C. § 1448a(a)), states a participant in SBP may elect to discontinue participation in the Plan at any time during the one-year period beginning on the second anniversary of the date on which payment of retired pay to the participant commences. Previously paid premiums will not be refunded and participation in the Plan may not be resumed except through a qualified election.

Eligible participants complete DD Form 2656-2, *Survivor Benefit Plan (SBP) Termination Request*, with spousal concurrence if applicable, and submit properly completed form to DFAS-Cleveland (DFAS-CL). For more information or to check eligibility, participants should contact DFAS-CL or visit their website: <https://www.dfas.mil/RetiredMilitary/provide/sbp/>.

AIR FORCE EVALUATION

ARPC/DPTT (Transition Division) recommends denying the application. SBP is administered pursuant to 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.

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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.

On 25 Nov 07, the applicant completed 20 satisfactory years of service. It is important to note that the RCSBP Notification of Eligibility takes approximately 120 days for members to receive as there is a delay in the Point Credit and Accounting Reporting System reflecting the 20 satisfactory years on record. The applicant's record shows proof of receipt of RCSBP material on 7 Jul 08.

On 3 Nov 23, the applicant applied for Reduced Retired Pay Age retirement with an effective date of 2 Feb 24 and completed DD Form 2656 in conjunction with her retirement application. In Section X, *Survivor Benefit Plan (SBP) Election*, Block 35 reflects the applicant elected Option C (full coverage). Based on the documentation provided and analysis of the facts, there is no evidence of an error or injustice on the part of ARPC. There is no record of the applicant declining coverage, nor has the applicant indicated she experienced a life changing event within the last year, giving her an opportunity to change her election. Therefore, the applicant is not eligible to change her election at this time. However, she may terminate participation in SBP between the 25th month and 36th month after being in retired pay status.

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 3 Apr 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 not 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 does not substantiate the applicant's contentions. On 19 Feb 08, ARPC notified the applicant of her eligibility for retired pay and participation in RCSBP, and on 7 Jul 08, RCSBP material was delivered to her address. There is no evidence the applicant returned an RCSBP declination, with spousal concurrence within 90 days of receipt as required by law, and therefore, was automatically enrolled in maximum coverage. Additionally, on 2 Nov 23, the applicant completed DD Form 2656 and elected Option C (full coverage). As noted above, participants may discontinue participation in SBP within the one-year period beginning on the second anniversary of the date on which retired pay commences. Previously paid premiums will not be refunded and participation in SBP may not be resumed except through a qualifying election. The applicant may contact DFAS-CL for eligibility criteria and additional information. There is no evidence that the applicant's election is invalid, nor is there evidence that the applicant experienced a life changing event within the last year to qualify for a change of election at this time. Therefore, the Board recommends against correcting the applicant's records.

[REDACTED]

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-2024-03791 in Executive Session on 15 Aug 25:

- [REDACTED], Panel Chair
- [REDACTED], Panel Member
- [REDACTED], Panel Member

All members voted against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 28 Oct 24.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory, ARPC/DPTT, w/atchs, dated 27 Mar 25.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 3 Apr 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.

8/21/2025

X [REDACTED]

Board Operations Manager, AFBCMR
Signed by: USAF

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