



Work-Product

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2025-00242

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His record be changed to show he declined participation in the Survivor Benefit Plan (SBP).

APPLICANT'S CONTENTIONS

He and his wife declined SBP. This was reflected and notarized on the DD Form 2656, *Data for Payment of Retired Personnel*, dated 16 Apr 24. His retirement pay shows a deduction of \$180.17 per month for the cost of the SBP premium, although the Defense Finance and Accounting Service (DFAS) help desk could see the declination on his DD Form 2656.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 19 Dec 05, the applicant was notified of his eligibility for retired pay at age 60 (20 year letter) and notified of his eligibility to participate in the Reserve Component Survivor Benefit Plan (RCSBP).

On 24 Feb 06, the applicant signed PS Form 3811, *Domestic Return Receipt*, certifying his receipt of the information pertaining to the RCSBP.

On 6 Feb 19, the applicant was honorably discharged from the Air National Guard and transferred to the Air Force Reserve Retired List.

According to his DD Form 2656, dated 16 Apr 24, the applicant elected Option G, *I Elect Not to Participate in SBP*, and his spouse concurred with the decision.

According to Reserve Order **Work-Product**, dated 8 Aug 24, the applicant retired from the Regular Air Force.

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

APPLICABLE AUTHORITY

AFBCMR Docket Number BC-2025-00242

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Controlled by: SAF/MRB

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Limited Dissemination Control: N/A

POC: SAF.MRBC.Workflow@us.af.mil

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 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. § 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 denial. All Reserve Component members who are eligible to participate in the 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. 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 19 Dec 05, the applicant completed 20 satisfactory years of service; however, the RCSBP Notification of Eligibility (NOE) takes approximately 120 days for members to receive as there is a delay in the point credit summary (PCARS) to reflect the 20 satisfactory years on record. The applicant received and signed the Domestic Return Receipt (PS Form 3811) from the United States Postal Service (USPS) on 24 Feb 06 showing proof of delivery. The applicant did not return the required documentation indicating a desire to change coverage during the 90 day timeframe as prescribed by law. The applicant was then automatically enrolled based on his eligible beneficiaries, which resulted in Option C, *I elect to provide an immediate annuity beginning on the day after the date of my death, whether before or after age 60*, with spouse only coverage based on full retired pay.

Per DoDI 1332.42, *Survivor Benefit Plan*, Section 3.1, subsection d(2), If Service members participate in RCSBP, they will automatically be enrolled in SBP when they become eligible to receive retired pay. RCSBP coverage converts to SBP coverage with the same beneficiaries at the same level of coverage. Service members may not enroll in new or secondary coverage when they become entitled to receive retired pay, unless the member previously elected to defer the decision to enroll in coverage.

Additionally, per DoDI 1332.42, Section 4.6, subsection 1 and 2, A member may elect to discontinue participation in SBP by submitting DD Form 2656-2, *Survivor Benefit Plan (SBP) Termination Request*, only during the period that is more than two years, but less than three years, after the first date of entitlement to receive retired pay. The member must sign the request no earlier than the first day of the 25th month and no later than the last day of the 36th month from the date of entitlement to retired pay, with spousal written concurrence, if applicable.

The complete advisory opinion is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board staff sent a copy of the advisory opinion to the applicant on 29 Jul 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 ARPC/DPTT and finds a preponderance of the evidence does not substantiate the applicant's contentions. In this respect, the Board notes the applicant failed to make an election within 90 days after receiving notification of eligibility for a non-regular retirement. Due to the applicant's failure to respond, the applicant was automatically enrolled in full, immediate RCSBP coverage in accordance with law and DoDI 1332.42. Upon eligibility to receive retired pay, a participating member's RCSBP coverage converts to SBP at the same level of coverage, and a new election is not authorized. 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-2025-00242 in Executive Session on 6 Nov 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, w/atchs, dated 2 Sep 24.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory, ARPC/DPTT, w/atchs, dated 25 Jul 25.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 29 Jul 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.

12/5/2025

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Board Operations Manager, AFBCMR
Signed by: USAF