



Work... Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2025-00409

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His level of coverage for former spouse Survivor Benefit Plan (SBP) be based on a reduced amount of base pay in the amount of \$1,850, instead of coverage based on full gross pay.

APPLICANT'S CONTENTIONS

His former spouse SBP coverage should be based on his DD Form 2656, *Data for Payment of Retired Personnel*, and DD Form 2656-1, *Survivor Benefit Plan (SBP) Election Statement for Former Spouse Coverage*, dated 4 Apr 24, rather than based on the current full gross pay.

According to his divorce decree, his former spouse is owed 43 percent of his retired pay, or about \$980. His SBP counselor worked the calculations and he and his former spouse agreed to a reduced amount of \$1,850 per the DD Form 2656 and DD Form 2656-1. The documents were submitted to the Defense Finance and Accounting Service (DFAS); however, DFAS has not lowered the SBP to the agreed amount, costing him hundreds of dollars. Thus far, he has submitted multiple tickets to DFAS to correct the error and they advised him to submit his request to the AFBCMR. His Retired Account Summary (RAS) and Leave and Earnings Statement (LES) show she is getting over \$1,100 in today's money. The request for reduced SBP coverage covers the divorce decree requirement for SBP.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

The applicant and his former spouse were married on 30 Jun 01.

On 3 Jan 17, the applicant and his former spouse divorced. The divorce decree directed the applicant to provide his former spouse surviving spouse benefits. The Military Retired Pay Division Order, dated 31 Jan 17, and the Second Amended Military Retired Pay Division Order of

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the divorce decree, dated 25 Sep 17, awarded the applicant's former spouse 43 percent of the applicant's military retired pay.

On 4 Apr 24, according to DD Form 2656 and DD Form 2656-1, dated 4 Apr 24, the applicant elected former spouse SBP coverage based on reduced retired pay in the amount of \$1,850 and his former spouse concurred with the decision.

On 1 Sep 24, according to Special Order Work-Product, dated 20 Sep 23, the applicant retired from the Regular Air Force.

The applicant's RAS dated 13 Dec 24, reflects his annuity payable for his SBP former spouse coverage was 55 percent of his annuity base amount.

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. § 1450(f)(3)(C). If a court has ordered a service member to elect former spouse SBP, then a former spouse can submit his or her own request to DFAS for former spouse SBP coverage. This is known as a "deemed election request." There is a time limit: "An election may not be deemed to have been made ... unless the Secretary concerned receives a request from the former spouse of the person within one year of the date of the court order or filing involved."

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

AFPC/DPFC (Casualty Matters Division) recommends denying the application. There is no evidence of an Air Force error or injustice or any basis in law to approve the request.

The applicant retired on 1 Sep 24 and he was not married at the time of retirement. He completed and signed his DD Form 2656 on 4 Apr 24, electing former spouse coverage for a reduced amount of \$1,850. Additionally, a DD Form 2656-1, with former spouse information and signature was completed. Both documents were sent to DFAS.

On 4 Dec 24, the applicant submitted a DFAS ticket inquiring about the premium amount deducted from his pay and he referenced the DD Form 2656-1. The DD Form 2656-1 is a separate document from the DD Form 2656 and is not used to consent to a reduced base amount for coverage. There is no portion of the DD Form 2656-1 that annotates a base amount being elected. Additionally, the document he submitted to DFAS was an amended Military Retired Pay Division Order, not the entire divorce decree.

On 1 Feb 17, the applicant's former spouse's attorney sent DFAS a copy of a Military Retired Pay Division Order, Application for Former Spouse Payments from Retired Pay (DD Form 2293) and the divorce decree. Additionally, on 16 Nov 17, the applicant's former spouse faxed in a DD Form 2656-10, *SBP Request for Deemed Election*, to DFAS. Based on the divorce decree, DFAS has on file, there was no set base amount determined for SBP coverage. Per DoDI 1332.42, *Survivor Benefit Plan*, Section 5.3(b)(2), "For former spouse deemed election made upon the member first becoming eligible to participate in SBP, the base amount must be the full base amount unless the former spouse has consented to a reduced base amount." Neither the applicant nor his former spouse provided an amended court order with a reduced amount annotated for SBP coverage. The base amount is determined on the retired service member's retired pay amount.

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 31 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 AFPC/DPFC and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board notes on 16 Nov 17, the applicant's former spouse's submitted a deemed election for former spouse SBP coverage as ordered in the divorce decree. Neither the applicant nor his former spouse provided any court order or documentation to reflect a reduced amount for SBP coverage. Therefore, the Board recommends against correcting the applicant's records.
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 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-2025-00409 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 13 Jan 25.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory, AFPC/DPFC, w/atchs, dated 25 Jul 25.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 31 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