

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

SEP 18 1998

IN THE MATTER OF:

DOCKET NO: 98-00290

COUNSEL: NONE

HEARING DESIRED: NO

[REDACTED]

Applicant requests that he be allowed to participate in the Reserve Component Survivor Benefit Plan (RCSBP). Applicant's submission is at Exhibit A.

The appropriate Air Force office evaluated applicant's request and provided an advisory opinion to the Board recommending the application be denied (Exhibit C). The advisory opinion was forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by this office.

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinion appear to be based on the evidence of record and have not been rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board, Mr. David C. Van Gasbeck, Dr. Gerald B. Kauvar, and Ms. Rita J. Maldonado considered this application on 10 September 1998, in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10 U.S.C. 1552.

  
DAVID C. VAN GASBECK  
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinion
- D. SAF/MIBR Ltr Forwarding Advisory Opinion



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR RESERVE PERSONNEL CENTER

16 MAR 1998

MEMORANDUM FOR AFBCMR

FROM: HQ ARPC/DR  
6760 E Irvington Pl #3000  
Denver CO 80280-3000


SUBJECT: Application for Correction of Military Record, [REDACTED]

1. The requested correction cannot be accomplished administratively at this headquarters.
2. The member is requesting that his record be corrected to allow his participation in the Reserve Component Survivor Benefit Plan (RCSBP).
3. The following is an analysis of the circumstances surrounding the case:
  - a. The member states that in Oct 96, he received preliminary information regarding the RCSBP, but does not remember receiving the RCSBP package.
  - b. The member was mailed a RCSBP election package which was received at his home address: [REDACTED] on 5 Nov 96, as evidenced by the attached PS [REDACTED]
  - c. We can only assume that the preliminary information he received in Oct 96 was the Notification of Eligibility for Retired Pay at Age 60 and Audit of Retirement Points (Atch 3). This letter informed the member that an RCSBP package would be forthcoming within 30 days.
  - d. The cover letter of the RCSBP package and two places in the body of the package inform the member there is a 90 day suspense for return of the election.
  - e. The requirement for the member to submit his RCSBP election within 90 days of receipt is clearly established by Title 10, United States Code, Section 1448(a)(2)(B). The member remains eligible to participate in the Survivor Benefit Plan when he reaches age 60.

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4. Recommendation: Recommend the member's request be denied. If the decision is to grant the relief sought, the member should be allowed to elect full, immediate coverage for spouse only (Option CA) under the RCSBP, effective 1 Feb 97.

5. r r is [REDACTED] HQ ARP DRSE, [REDACTED]. He can reached by fax at [REDACTED] or by e-mail [REDACTED].

  
ANN C. SHIPPY, Major, USAF  
Deputy Director of Customer Assistance