# DEPARTMENT OF THE AIR FORCE WASHINGTON, DC



Office of the Assistant Secretary

AFBCMR 98-00508

MEMORANDUM FOR THE CHIEF OF STAFF

Under the authority of Section 1552, Title 10, United States Code and Air Force Instruction 36-2603, and having assured compliance with the provisions of the above regulation, the decision of the Air Force Board for Correction of Military Records is announced, and it is directed that:

The pertinent military records of the Department of the Air Force relating to be corrected to show that effective 3 September 1991, he elected to change his Reserve Component Survivor Benefit Plan (RCSBP) spouse only coverage to former spouse coverage under Option CL (full immediate coverage), naming the spouse specificary.

Chief Examiner

Air Force Board for Correction

of Military Records

## DEPARTMENT OF THE AIR FORCE WASHINGTON, DC

JUN 3 0 1998

Office of the Assistant Secretary

AFBCMR 98-00508

MEMORANDUM OF CONSIDERATION OF APPLICATION BEFORE THE AFBCMR

SUBJECT:

Having carefully reviewed this application, we agree with the recommendation of the Air Force office of primary responsibility and adopt the rationale expressed as the basis for our decision that the applicant has been the victim of either an error or an injustice. Therefore, under the authority delegated in AFI 36-2603, the applicant's records will be corrected as set forth in the accompanying Memorandum for the Chief of Staff signed by the Executive Director of the Board or his designee.

/ Panel Chair

Attachment: Ltr, ARPC/DR, dtd Apr 6, 1998, w/Atch



### DEPARTMENT OF THE AIR FORCE HEADQUARTERS AIR RESERVE PERSONNEL CENTER

0-6 APR 1998

#### MEMORANDUM FOR AFBCMR

FROM: HQ ARPC/DR

6760 E Irvington Pl #3000 Denver *CO* 80280-3000

SUBJECT: Application for Correction of Military Records

- 1. The required correction cannot be accomplished administratively at this headquarters.
- 2. The member is requesting that his record be changed to show he made a former spouse election in the Reserve Component Survivor Benefit Plan (RCSBP).
- 3. The following is an analysis of the circumstances surrounding the case:
- a. The member made a full, **immediate** RCSBP election for spouse **cnly** (Option **CA**) effective **9 Jan** 85.
- **b.** The member was divorced from his former spouse on 5 Sep 90, and did not make a former spouse election in the RCSBP within one year of his divorce as required by Title 10, United States Code, Section 1448(b)(3)(A). He states he recently reviewed his records and found he neglected to ensure his former spouse was the beneficiary of his RCSBP as required by his divorce decree.
- 4. Although there is no evidence **that an** injustice occurred, **the** member exhibited good **intentions** in participating in the RCSBP for his spouse when he **was** first eligible.
- **5.** Recommendation: Recommend the **member**'s request be approved. If the decision is to grant the relief **sought**, the member's record should be corrected to show he elected full, immediate coverage for former spouse (**Option** CL) under the RCSBP effective 3 Sep 91.
- 6. Action officer is Mr. Marvin Silva, HQ ARPC/DRSE, DSN 926-6438. He can also be reached by fax at DSN 926-6357 or by e-mail at msilva@arpcmail.den.disa.mil.

ANN O. SHIPPY, Meley USAF Deputy Director of Customer Assistance