RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2010-02458

XXXXXXXXXX COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

Her deceased husband’s records be corrected to reflect he attained 20 satisfactory years of service for retirement and eligibility for the Reserve Component Survivor Benefit Plan (RCSBP).

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APPLICANT CONTENDS THAT:

Her husband died only 6 days prior to being eligible to make an RCSBP election.

In support of her request, the applicant provides copies of her deceased husband’s retirement order, special orders revoking the retirement order, point credit summary, and death certificate.

The applicant’s complete submission, with attachments, is at Exhibit A.

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STATEMENT OF FACTS:

Information extracted from the Military Personnel Data System (MilPDS) indicates the decedent served in the Air Force Reserve in the grade of major (O-4).

The remaining relevant facts pertaining to this application are contained in the letter prepared by the appropriate office of the Air Force, which is attached at Exhibit C.

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AIR FORCE EVALUATION:

ARPC/DPP recommends relief be granted, indicating the decedent would have completed 20 satisfactory years of service, and, thus, been eligible to make an election, had he not died prematurely. The decedent died just six days prior to attaining 20 satisfactory years of service and can only be credited with 19 years, 11 months, and 24 days of satisfactory service. However, from 16 Jun 09 through the date of his death on 10 Jun 10, he had met the service requirements for a satisfactory year of Federal service, and would have attained his 20th year of service, were it not for his untimely death. He entered the military in 1989, participated regularly, and earned a satisfactory year of service every year, with a single exception, up until his death. During the period 16 Jun 07 through 15 Jun 08, he only earned 23 of the required 50 points for a satisfactory year of service and there is nothing in the record to indicate why he did not participate at his usual rate. ARPC/DPP recommends the decedent’s record be corrected to grant him 27 non-paid inactive duty training (IDT) points for this particular year, resulting in 35 IDT points and 15 membership points, which constitutes one satisfactory year of service and would result in the decedent attaining the requisite service for retirement and eligibility for a timely election for full coverage under the RCSBP.

A complete copy of the ARPC/DPP evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 6 Aug 10 for review and response within 30 days. As of this date, no response has been received by this office (Exhibit D).

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THE BOARD CONCLUDES THAT:

1.  The applicant has exhausted all remedies provided by existing law or regulations.

2.  The application was timely filed.

3.  Sufficient relevant evidence has been presented to demonstrate the existence of an injustice. The applicant contends her spouse would have attained 20 years of satisfactory service for retirement were it not for his untimely death just six days prior to being eligible to make an election under the RCSBP. After a thorough review of the evidence of record and the applicant’s complete submission, we find no evidence of an error on the part of the Air Force. However, we note that at the time of his death, the decedent had already exceeded the requisite participation requirements to attain 20 satisfactory years of Federal service and eligibility to make an election under the RCSBP. Therefore, in order to prevent an injustice to the applicant we believe corrective action is warranted. In this respect, In view of the fact he had already applied for retirement with a 12 Jun 10 effective date, and having no reason to believe he would not have elected to take part in this important benefit in conjunction with his planned retirement, we elect to resolve any doubt in this matter in behalf of the applicant and recommend the decedent’s records be corrected as indicated below.

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THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to the APPLICANT, be corrected to show that:

a.  He be awarded an additional 27 non-paid inactive duty training (IDT) points for the retention/retirement (R/R) year 16 June 2007 through 15 June 2008, resulting in 50 total retirement points and one year of satisfactory Federal service for retirement.

b.  On 9 June 2010, he applied for transfer to the Retired Reserve and his request was approved by competent authority, effective 9 June 2010.

c.  On 9 June 2010, he elected spouse-only coverage, Option CA, immediate coverage, under the Reserve Component Survivor Benefit Plan (RCSBP) based on full retired pay.

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The following members of the Board considered AFBCMR Docket Number BC-2010-02458 in Executive Session on 27 Jan 11, under the provisions of AFI 36-2603:

Mr. XXXXXXXXXX, Panel Chair

Mr. XXXXXXXXXX, Member

Mr. XXXXXXXXXX, Member

All members voted to correct the records as recommended. The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 21 Jun 10, w/atchs.

Exhibit B. Applicant's Master Personnel Records.

Exhibit C. Letter, ARPC/DPP, dated 26 Jul 10, w/atch.

Exhibit D. Letter, SAF/MRBR, dated 6 Aug 10.

XXXXXXXXXX

Panel Chair