

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00109

COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His Reserve Component Survivor Benefit Plan (RCSBP) beneficiary be changed from his son to his wife.

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APPLICANT CONTENDS THAT:

He married on 13 February 2010 and did not realize there was a deadline for requesting his RCSBP beneficiary be changed.

In support of the appeal, the applicant provides a copy of his marriage certificate.

The applicant's complete submission, with attachment, is at Exhibit A.

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STATEMENT OF FACTS:

The applicant is a former member of the Air Force Reserve. He retired on 7 June 2008.

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AIR FORCE EVALUATION:

ARPC/DPTT recommends denial. The applicant was notified of his eligibility to participate in the RCSBP on 20 November 2008. He made no election and was automatically enrolled in Option C, Immediate Annuity for Children Only, in accordance with Title 10.

On 13 February 2010, the member was married and failed to notify DPTT regarding his change of marital status as required by law. According to Title 10, United States Code, Section 14883, any such election must be written, signed by the person making the election, and received by the Secretary concerned within one year of the date of the event. The RCSBP package sent to the

applicant clearly stated that life changing events must be reported within one year of the event.

Based on the facts provided, the applicant did not elect to add his spouse within the one year time period as prescribed by law.

The complete DPTT evaluation, with attachments, is at Exhibit B.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 8 March 2012, for review and comment within 30 days (Exhibit C). As of this date, this office has received no response.

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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. Insufficient relevant evidence has been presented to demonstrate the existence of error or injustice. We took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinion and the recommendation of the Air Force office of primary responsibility and adopt its rationale as the basis for our conclusion that the applicant failed to make a clear election to participate in the RCSBP within the one year time period as prescribed by law. While the applicant's situation is regrettable, we find no basis to grant the relief sought in the application. Accordingly, the applicant's request is not favorably considered.
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THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

The following members of the Board considered AFBCMR Docket Number BC-2012-00109 in Executive Session on 21 September 2012, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 29 Dec 12, w/atck.
- Exhibit B. Letter, ARPC/DPTT, dated 2 Mar 12, w/atcks.
- Exhibit C. Letter, SAF/MRBR, dated 8 Mar 12.

Panel Chair