

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00119  
COUNSEL: NONE  
HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

Her records be corrected to show she made a valid Reserve Component Survivor Benefit Plan (RCSBP) election adding her spouse as a beneficiary.

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APPLICANT CONTENDS THAT:

In 1993, she received her 20-year letter but did not make an RCSBP election at that time because she was not married.

When she applied for her retirement after 37 years of service she asked in her electronic retirement application if she could make an election then and was told no.

On 30 Dec 06, she got married and visited her unit to have her named changed. She was not briefed on her RCSBP options at all during that time; only on her life insurance beneficiary options.

In early 2008, she was told she needed to complete her RCSBP forms which she did and then mailed them to the Air Reserve Personnel Center (ARPC). Soon after she received an email informing her that it was too late for her attempt to make an election as she was supposed to have done that within the first year of her marriage.

In support of her appeal, the applicant provides a personal statement and copies of a Congressional Inquiry and the Air Force response.

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

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STATEMENT OF FACTS:

On 23 Nov 93, the applicant was notified of her eligibility to participate in the RCSBP via certified mail. She made no election at that time as she was not married. Therefore, in accordance with Title 10, Chapter 1448, she was automatically enrolled in the program under Option A, "decline to make an election until age 60."

With regard to her attempt to add her spouse to her RCSBP, Title 10, United States Code (U.S.C.), Section 1448 (a)(5)(B) states that "such an election must be written, signed by the person making the election, and received by the Secretary concerned within one year after the date on which that person marries or acquires that dependent child."

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AIR FORCE EVALUATION:

ARPC/DPTT recommends denial as the applicant had the opportunity to make an election during the one year after her date of marriage. However, DPTT notes she will be afforded the opportunity to make a valid election when she reaches her 60th birthday as she was automatically enrolled in Option A when she declined to make an initial election.

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 1 Mar 12 for review and comment within 30 days (Exhibit C). As of this date, no response has been received by this office.

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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 not timely filed; however it is in the interest of justice to excuse the failure to timely file.
  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 recommendation of the Air Force office of primary responsibility and adopt its rationale as the basis for our conclusion that the applicant has not been the victim of an error or injustice. Therefore, in the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this application.
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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.

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The following members of the Board considered Docket Number BC-2012-00119 in Executive Session on 25 Oct 12, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 12 Jan 12.
- Exhibit B. Letter, AFPC/DPSIAR, dated 13 Feb 12.
- Exhibit C. Letter, SAF/MRBR, dated 1 Mar 12.

Panel Chair