

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00175

COUNSEL: NONE

HEARING DESIRED: NOT INDICATED

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APPLICANT REQUESTS THAT:

Her spouse's records be corrected to reflect he made a timely election for spouse coverage under the Reserve Component Survivor Benefit Plan (RCSBP).

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APPLICANT CONTENDS THAT:

The Record of Emergency Data form dated 15 Jun 06, reflects her as the beneficiary for her husband's retirement benefits.

In support of her request, the applicant provides a copy her spouse's retirement order, his death certificate, DD Form 93, *Record of Emergency Data*, and a Virtual Military Personnel Flight (vMPF) Self-Service Actions, *Record of Emergency Data*.

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

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STATEMENT OF FACTS:

The 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 B.

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AIR FORCE EVALUATION:

ARPC/DPTT recommends denial noting the service member failed to elect to participate in RCSBP. On 19 Sep 95, the service member was notified of his eligibility to participate in the RCSBP. The election package was sent to the service member's address and the acknowledged receipt of the Notification of Eligibility was signed on 18 Dec 95. The service member did not make an election and was automatically enrolled in Option A, "Decline to make an election until age 60," effective 14 Mar 96. Congress authorized two open enrollments (1 Mar 99 to 29 Feb 00 and 1 Oct 05 and 30 Sep 06) for service members who had

previously elected less than full coverage or no coverage for their spouse or children the opportunity to change their election to cover their families. However, the service member failed to upgrade his election during the two authorized open enrollment periods.

On 11 Feb 09, the service member was notified of his expiration term of service (ETS). The notification provided the service member an option of an automatic discharge or transfer to the Retired Reserve. The service member did not submit an application to transfer to the Retired Reserve within the required time period and was discharged effective 21 Sep 09. In accordance with Title 10, United States Code (USC), Section 10204, service members who have completed 20 years of creditable service, but are discharged and not assigned to the Retired Reserve have no military status. These service members are notified of their entitlements of retired pay, medical care, and SBP approximately four months prior to their 60th birthday by Headquarters Air Reserve Personnel Center. The service member passed away prior to his 60th birthday.

The complete ARPC/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 Mar 12, for review and comment within 30 days. 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 an error or an 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 the applicant has not been the victim of an error or injustice. The service member was notified by certified mail in Sep 95 of his eligibility to participate in RCSBP. He did not elect coverage at that time. He had two other opportunities to elect RCSBP coverage during an authorized open enrollment seasons, but failed to do so. Therefore, he had three separate opportunities to

enroll in RCSBP but did not elect to do so. Therefore, we must recommend that the requested relief be denied.

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THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of a material error or injustice; the application was denied without a personal appearance; and 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 AFBCMR Docket Number BC-2012-00175 in Executive Session on 15 Aug 12, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 08 Jan 12, w/atchs.
- Exhibit B. Letter, ARPC/DPTT, dated 7 Mar 12, w/atchs.
- Exhibit C. Letter, SAF/MRBR, dated 8 Mar 12.

Panel Chair