

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00640  
COUNSEL: NONE  
HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His record be corrected to show that he elected Option C (Immediate Annuity), under the Reserve Component Survivor Benefit Plan (RCSBP), for spouse and child coverage, based on full retired pay.

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APPLICANT CONTENDS THAT:

He was misinformed about the RCSBP in 2003, and elected Option A (Decline to make an election until Age 60), when he should have elected Option C.

During the 2005 Open Enrollment he changed his election to Option C; however, it was not until he was going over his retirement out-processing that he realized that his option had not been changed.

In support of his request, the applicant submits copies of DD Forms 214, *Certificate of Release or Discharge from Active Duty*, issued in conjunction with his 24 Oct 02, 15 Sep 05, and 28 May 10, respectively.

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

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STATEMENT OF FACTS:

The applicant was notified of his eligibility to participate in the RCSBP, on 23 Jul 03, via certified mail. On 17 Nov 03, the applicant filled out an ARPC Form 123, *RCSBP Certificate*, which reflects his election of Option A, "*Decline to make an election until Age 60*" with his spouse's concurrence. The applicant's record reflected he was married with dependent children during that time.

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AIR FORCE EVALUATION:

HQ ARPC/DPPT recommends denial, stating, in part, based on the facts provided, he did not elect to participate in RCSBP as prescribed by law Title 10, U.S.C., Section 1448. Furthermore,

the applicant had one open enrollment opportunity in which he did not elect to participate in the RCSBP.

The applicant was afforded one opportunity to upgrade his election after the original election was updated. Congress declared on 1 Oct 05 through 30 Sep 06 an SBP Open Enrollment Season. Members, who had previously elected less than full coverage or no coverage for their spouse/children, were afforded the opportunity to change their election to cover their families. During this timeframe, our system/record shows the applicant did not elect to participate in the RCSBP program. The applicant states he participated in the SBP Open Enrollment Season during Oct 05 through Sep 06. He claims that he elected Option C, "immediate annuity for spouse only." However, there is no record he requested an information packet or elected to participate during this Open Season.

The complete ARPC/DPP 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 11 May 12 for review and response. As of this date, no response has been received by this office (Exhibit C).

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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, the Air Force Reserve office of primary responsibility has conducted an exhaustive review of the available evidence and we are in agreement with their opinion and recommendation. Therefore, we adopt the rationale expressed as the basis for our conclusion the applicant has not been the victim of an error or injustice. While we note the applicant's assertion he changed his election during the 2005 Open Enrollment, we did not find any evidence to substantiate his claim. 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 the evidence presented did not demonstrate the existence of 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-2012-00640 in Executive Session on 27 November 2012, under the provisions of AFI 36-2603:

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 17 Oct 11, w/atchs.
- Exhibit B. Letter, ARPC/DPTT, dated 12 Apr 12, w/atchs.
- Exhibit C. Letter, SAF/MRBR, dated 11 May 12.

Panel Chair