

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01311
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

Her record be changed to show she elected child(ren) only coverage under the Reserve Component Survivor Benefit Plan (RCSBP).

APPLICANT CONTENDS THAT:

When she initially elected Option A, she was newly married with no children. She adopted a child in July 2008. She had not thought about or remembered the RCSBP until out-processing in preparation for retirement. She states that her unit, which was a new unit, had no experience with retirements and she failed to fully comprehend the small print in regards to adoption.

The applicant provides no documentation in support of her appeal.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS:

The applicant was notified of her eligibility to participate in the RCSBP on 30 August 2005 via certified mail. The election package was sent to the applicant's address. At that time, the applicant elected to not participate in the program by choosing Option A, "Decline to make an election until age 60" effective 3 August 2006.

AIR FORCE EVALUATION:

ARPC/DPTT recommends denial. DPTT states the RCSBP package mailed to the applicant explained that if she had any questions to contact them. DPTT does not show that the applicant contacted them on this matter.

In July 2008, the applicant finalized her adoption paperwork for her dependent child. The applicant did not contact DPTT to update her RCSBP election within the one year as required by law.

The DPTT complete evaluation is at Exhibit B.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

On 8 May 2012, a copy of the Air Force evaluation was forwarded to the applicant for review and response within 30 days (Exhibit C). As of this date, no response has been received by this office.

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 recommendation of the Air Force office of primary responsibility and adopt its rationale as the basis for our conclusion the applicant has failed to sustain her burden of proof of the existence 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.

THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of an 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.

The following members of the Board considered AFBCMR Docket Number BC-2012-01311 in Executive Session on 19 December 2012, under the provisions of AFI 36-2603:

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-01311 was considered:

- Exhibit A. DD Form 149, dated 20 March 2012.
- Exhibit B. Letter, ARPC/DPTT, dated 7 May 2012, w/atchs.
- Exhibit C. Letter, SAF/MRBR, dated 8 May 2012.