

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01401
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

Her record be corrected to show she declined Survivor Benefit Plan (SBP) coverage.

APPLICANT CONTENDS THAT:

Her husband deserted her in January 2003. She does not know of his whereabouts and he has not responded to legal postings. She notes that the period of desertion to his family has exceeded that required time by law to equate to legal desertion.

In support of her request, the applicant provides a personal statement and copies of letters of support.

Her complete submission, with attachments, is at Exhibit A.

STATEMENT OF FACTS:

The Defense Enrolment Eligibility Reporting System (DEERS) reflects the applicant was married on 25 Aug 70.

The remaining relevant facts pertaining to this application are contained in the letters prepared by the appropriate offices of the Air Force, which are at Exhibit B.

AIR FORCE EVALUATION:

AFPC/DPSIAR recommends denial stating there is no evidence of an error or injustice and there is no basis in law to provide relief in this case. The applicant has not provided any evidence that proves she is no longer married. Further, she failed to properly out-process prior to retiring despite the attempts made by the SBP counselor to schedule her for the required one-on-one SBP briefing. If the applicant were to get divorced, she should provide a certified copy of a divorce decree or annulment to the

Defense Finance and Accounting Service (DFAS) office to suspend SBP spouse coverage.

The complete DPSIAR evaluation is at Exhibit B.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 19 Jun 12 for review and comment within 30 days. As of this date, this office has received no response.

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 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.

The following members of the Board considered AFBCMR Docket Number BC-2012-01401 in Executive Session on 19 Dec 12, under the provisions of AFI 36-2603:

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 16 Apr 10, w/atchs.
- Exhibit B. Letter, APFC/DPSIAR, dated 24 May 12.
- Exhibit C. Letter, SAF/MRBR, dated 19 Jun 12.

Panel Chair

