

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01772

COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

The automatic Survivor Benefit Plan (SBP) deductions from his retirement pay be terminated and he be refunded the premiums paid.

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APPLICANT CONTENDS THAT:

Due to lack of proper counseling, while he declined SBP coverage during his retirement processing, he incorrectly filled out item 26g of section IX and items 32a and b of section XII of DD Form 2656, *Data for Payment of Retired Personnel*. His wife concurred with declining the SBP coverage.

He retired on 18 October 2011 and the SBP deductions from his retirement pay began on 21 November 2011. He was unsuccessful in resolving the issue over the telephone so he completed a corrected DD Form 2656 and sent it to the Defense Finance and Accounting Service (DFAS) office. DFAS replied and informed him of the errors on his original DD Form 2656 and recommended he submit an appeal for correction to the Air Force Board for Correction of Military Records (AFBCMR).

In support of his request the applicant submits a personal statement, copies of the original and corrected DD Forms 2656, and a letter from DFAS dated 12 April 2012.

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

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STATEMENT OF FACTS:

According to documents extracted from the Automated Records Management System (ARMS), the applicant was relieved from his Air National Guard assignment and was placed on the USAF Retired Reserve Section on 4 August 1997. He was placed on the Reserve Retired List effective 30 September 2011, the date of his sixtieth birthday.

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AIR FORCE EVALUATION:

DFAS-RPB-JBJE/CL states the applicant signed the DD Form 2656 on 18 October 2011, declining the SBP. However, as he was declining to cover his spouse, she was required to concur in such an election. His spouse signed the concurrence on 17 October 2011. The concurrence was signed before the applicant signed the election rendering the election invalid; therefore, the applicant was provided with automatic coverage.

The complete DFAS-RPB-JBJE/CL evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 7 August 2012 for review and comment within 30 days (Exhibit D). To date, this office has not received a response.

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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. Sufficient relevant evidence has been presented to demonstrate the existence of error or injustice warranting relief. After thoroughly reviewing the evidence in this case, we are persuaded it was the applicant's and his spouse's intent to decline SBP upon his retirement. In this respect, we note the applicant elected not to participate in SBP on the DD Form 2656 and his spouse concurred with this election albeit on a different date. However, we find this to be merely an oversight and do not believe this merits denial of his request. Therefore, we recommend the applicant's records be corrected as indicated below:
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THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that on 18 October 2011, he declined Survivor Benefit Plan (SBP) coverage, and his spouse concurred with his decision.

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The following members of the Board considered this application BC-2012-01772 in Executive Session on 19 December 2012, under the provisions of AFI 36-2603:

, Panel Chair  
, Member  
, Member

The following documentary evidence was considered:

Exhibit A. DD Form 149 dated 19 April 2012.  
Exhibit B. Applicant's Master Personnel Record  
Exhibit C. Letter, DFAS-RPB-JBJE/CL, dtd 19 July 2012,  
w/atchs.  
Exhibit D. Letter, SAF/MRBR, dated 7 August 2012.

Panel Chair