

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01547  
COUNSEL: NONE  
HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

Her record be corrected to reflect she elected child only coverage under the Survivor Benefit Plan (SBP).

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APPLICANT CONTENDS THAT:

1. On 4 May 04, while stationed at Misawa Air Base, Japan she completed a DD Form 2656, *Data for Payment of Retired Personnel* and elected child only coverage under SBP. She selected child only coverage because her (then) husband was on active duty and did not need to be covered at that time. They felt the money could be used elsewhere.

2. Her husband concurred and signed the SBP election the same date. The SBP counselor asked the questions, she answered and he marked the responses. She and her husband signed the form and thought everything was taken care of. She failed to mark the block on the DD Form 2656, to indicate the level of coverage and the SBP counselor failed to notice the omission.

3. Between 25 Jan 12, and 13 Apr 12, she talked with several Defense Finance and Accounting Service (DFAS) Military Retirement Pay personnel but never got an answer regarding the error. However, on 17 Apr 12, she was informed the DD Form 2656 was "invalid."

4. She was going through mental and physical problems a few years before and after her retirement and did not notice the SBP coverage was incorrect until she was updating her records due to her divorce.

In support of her request, the applicant provides a personal statement, a copy of her DD Form 2656, emails, and various other documents associated with her request.

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

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STATEMENT OF FACTS:

On 5 Apr 91, the applicant and her former spouse were married, and she elected child only SBP coverage prior to her 1 Nov 04, retirement. On 27 Mar 12, the parties divorced and the divorce decree did not address SBP.

On 17 May 12, by email, AFPC/DPSIAR requested the applicant provide a complete copy of her final divorce decree, to include the separation/martial settlement agreement. In response to DPSIARs request the applicant responded by email stating her intention on 4 May 04, was to elect child only coverage under SBP based on full retired pay.

The remaining 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 C.

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AIR FORCE EVALUATION:

AFPC/DPSIAR recommends approval. DPSIAR states there is evidence of Air Force error; therefore, they recommend the applicant's record be corrected to reflect she submitted a valid SBP election for child only coverage based on full retired pay effective 1 Nov 04.

The complete DPSIAR evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF THE AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 18 Jun 12, for review and comment within 30 days (Exhibit D). 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. Sufficient relevant evidence has been presented to demonstrate the existence of an error or injustice. After a thorough review of the facts and circumstances of this case, we agree with the Air Force office of primary responsibility that the applicant was the victim of an Air Force error and in the

interest of justice; we recommend her 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 APPLICANT be corrected to show that on 1 November 2004, she submitted a valid election for child only coverage under the Survivor Benefit Plan (SBP) based on full retired pay.

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The following members of the Board considered AFBCMR Docket Number BC-2012-01547 in Executive Session on 12 Feb 13, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

All members voted to correct the records, as recommended. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 23 Apr 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Record.
- Exhibit C. Letter, AFPC/DPSIAR, dated 30 May 12.
- Exhibit D. Letter, SAF/MRBR, dated 18 Jun 12.

Panel Chair