

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-01012 **MAR 10 1999**

COUNSEL: NONE

HEARING DESIRED: NO

[REDACTED]
[REDACTED]

Applicant requests he be allowed to cancel Survivor Benefit Plan coverage for **his** daughter. Applicant's submission is at Exhibit A.

The 'appropriate Air Force 'office evaluated applicant's request and provided an advisory opinion to the Board recommending the application be denied (Exhibit C). The advisory opinion was forwarded to the applicant for review and response (Exhibit D). Applicant's response to the advisory opinion is at Exhibit E.

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinion appear to be based on the evidence of record and have not been adequately rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Mr. David C. Van Gasbeck, Mrs. Barbara A. Westgate, and Ms. Ann L. Heidig considered this application in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.


DAVID C. VAN GASBECK
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinion
- D. AFBCMR Ltr Forwarding Advisory Opinion
- E. Applicant's Response



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
RANDOLPH AIR FORCE BASE TEXAS

21 SEP 1998

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPTR
550 C Street West Ste 11
Randolph AFB TX 78150-4713

SUBJECT: Application for Correction of Military Records

Requested Correction: The applicant is requesting corrective action that would allow him to cancel Survivor Benefit Plan (SBP) coverage for his child.

Basis for Request: The applicant claims that before applying for child coverage he went to a Military Personnel Flight for counseling and was told it would cost him "a few pennies a day."

Backaround: A member, who does not have eligible children at retirement, may elect coverage for a newly acquired child within the first year after gaining the child.

Facts: The member, a Reservist who turned age 60 on 4 May 84, was unmarried with no children when he retired and declined SBP. He married on 10 Jan 92, and spouse coverage, maximum annuity, was established on the first anniversary. The member acquired a child on 29 Aug 96 and sent in a request to the finance center to add coverage for his daughter on 11 Jan 97.

Discussion: The finance center's case file contains copies of the applicant's 23 Jan 92 AF Form 14, Arrears of Retired Pay Designation and/or Annuity Beneficiary Changes, and 11 Jan 97 letter requesting enrollment of his daughter as an SBP beneficiary. We contacted the SBP counselor at [REDACTED] who stated that his recollection of the events were that the applicant did not question the cost of the child's portion of the premiums until that additional amount was deducted from his pay. It is each member's responsibility to obtain information prior to making decisions that affect retired pay and their family survivor benefits.

Recommendation: There is no evidence of Air Force error or injustice; therefore, we recommend the member's request be denied. However should the Board decide to grant relief, the member's records should be corrected to void his election to add his child as an SBP beneficiary and refund the portion of the SBP premiums related to the child coverage.

PAT PEEK, DAFC
Chief, Retiree Services Branch
Directorate of Pers Program Mgt

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