

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NO: 97-03583 **FEB 24 1999**

COUNSEL: None

HEARING DESIRED: No

[REDACTED]  
[REDACTED]

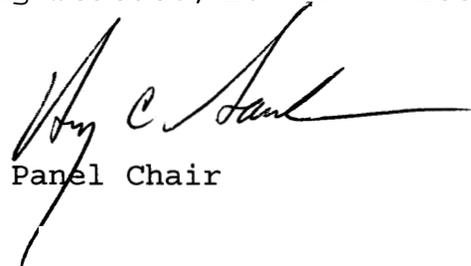
Applicant requests his records be corrected to show he elected spouse and child coverage under the Survivor Benefit Plan (SBP). Applicant's submission is at Exhibit A.

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). As of this date, no response has been received by this office.

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 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. Henry C. Saunders, Mrs. Barbara A. Westgate, and Ms. Ann L. Heidig considered this application on 27 October 1998 in accordance with the provisions of Air Force Instruction 36-2603 and the governing statute, 10 U.S.C. 1552.

  
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinion
- D. SAF/MIBR Ltr Forwarding Advisory Opinion



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

13 1 MAR 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 member is requesting corrective action to show he **elected** spouse **and** child coverage based on full retired pay under the Survivor Benefit Plan (SBP).

**Basis for Request:** The applicant claims he was not properly counseled on the SBP prior to retiring.

**Backaround:** A member who **fails** to provide SBP coverage for eligible beneficiaries at **the** time of **retirement** may not **later** elect coverage for that person or another person of **the same** category unless Congress authorizes an open enrollment.

**Facts:** The applicant was married and elected to decline SBP coverage at Travis AFB CA prior to his 1 Feb 94 retirement. His wife, on **active** duty at the time, concurred in his election. Although the member's record does not contain a copy of the SBP RIP which outlines **the** options and **effects** of the Plan, a cost estimate sheet, routinely prepared by the counselor prior to the briefing appointment, was located in the member's **UPRG**. The member's wife elected spouse **and** child coverage based on full retired pay effective 1 Feb 98.

**Discussion:** The applicant makes **an** unsubstantiated **claim** of "negative" counseling during his SBP briefing; however, he was ultimately responsible for making **the** election best suited to his family's situation. Additionally, our review of **SBP** participation rates at Travis AFB CA during that timeframe, while not tracked by individual counselors, indicates a 67 percent participation rate **in** comparrison to a 62 percent participation rate Air Force wide, **confirmation** the staff was doing a good job. It would be contrary to the letter and intent of the law, as **well** as inequitable to other retirees who **bypassed** **SBP** when eligible and would like to enroll now, to allow the member to enter the program.

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**Recommendation:** There is no evidence of an Air Force error or injustice in this case; therefore, we recommend the request be denied. However, if the Board's decision is to grant relief, the member's record should be corrected to show on 31 Jan 94 he elected spouse and child SBP coverage based on full retired pay. Approval should be contingent on the recovery of appropriate retroactive premiums.



**PAT PEEK, DAFC  
Chief, Retiree Services Branch  
Directorate Pers Prog Management**