

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-00223

COUNSEL: None

AUG 14 1998

HEARING DESIRED: No

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APPLICANT REQUESTS THAT:

His records be corrected to allow him to participate in the Reserve Component Survivor Benefit Plan (RCSBP).

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APPLICANT CONTENDS THAT:

He incorrectly interpreted the suspense date to be 90 days from 15 October 1997 (13 January 1998). It made sense that eligibility for the RCSBP would begin on the anniversary of 20 years of active military service. He mailed the Air Reserve Personnel Center (ARPC) Form 123 to establish RCSBP eligibility for his spouse and children in ample time to arrive at ARPC by registered mail before the incorrectly interpreted suspense date. When notified his election was void and returned without action, he contacted ARPC and was informed the 90-day suspense began with the receipt of the information package (29 September 1997) and expired 3 days before the date of his AF Form 123.

Applicant's complete submission is attached at Exhibit A.

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STATEMENT OF FACTS:

A certified package, notifying the member of his eligibility to participate in the RCSBP was signed for by the member on 29 September 1997. The package was sent to his home address:

On 8 January 1998, an RCSBP Election for full, immediate coverage for spouse and children (Option CF) was received at ARPC. However, the 90-day time limit expired on 28 December 1997.

Title 10, United States Code, Section 1448(a)(2)(B) establishes the requirement that the member submit his election within 90 days of receipt.

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AIR FORCE EVALUATION:

The Deputy Director of Customer Assistance, ARPC/DR, reviewed this application and states that the member states that when he received the RCSBP information it was close to his Continuous Active Military Service Date and he incorrectly interpreted the suspense date to be 90 days from that date. The document (DD Form 214) he submitted verifying this date was issued in June 1986 and was completely unrelated to the RCSBP package. The cover letter of the RCSBP package and two places in the body of the package inform the member there is a 90-day suspense from the date of receipt. They recommend applicant's request be denied.

A complete copy of the evaluation is attached at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A complete copy of the Air Force evaluation was forwarded to the applicant on 9 March 1998, for review and response. 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 timely filed.
3. Insufficient relevant evidence has been presented to demonstrate the existence of probable 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 and adopt their 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 compelling basis to recommend granting the relief sought in this application.

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THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered

upon the submission of newly discovered relevant evidence not considered with this application.

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The following members of the Board considered this application in Executive Session on 16 July 1998, under the provisions of AFI 36-2603:

Mr. Henry C. Saunders, Panel Chair  
Mrs. Barbara A. Westgate, Member  
Mr. David C. Van Gasbeck, Member

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 20 Jan 98, w/atchs.  
Exhibit B. Applicant's Master Personnel Records.  
Exhibit C. Letter, ARPC/DR, dated 18 Feb 98.  
Exhibit D. Letter, AFBCMR, dated 9 Mar 98.



HENRY C. SAUNDERS  
Panel Chair



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR RESERVE PERSONNEL CENTER

18 FEB 1998

MEMORANDUM FOR AFBCMR

FROM: HQ ARPC/DR  
6760 E Irvington Place #3000  
Denver CO 80280-3000

SUBJECT: Application for Correction of Military Records, [REDACTED]  
[REDACTED]

1. The requested correction cannot be accomplished administratively at this headquarters.
2. The member is requesting that his record be corrected to allow his participation in the Reserve Component Survivor Benefit Plan (RCSBP).
3. The following is an analysis of the circumstances surrounding the case:

a. A certified package, notifying the member of his eligibility to participate in the RCSBP was signed for by the member on 29 Sep 97. The package was sent to his home address:  
[REDACTED]

b. On 8 Jan 98, an RCSBP Election for full, immediate coverage for spouse and children (Option CF) was received at this headquarters. However, the 90 day time limit expired on 28 Dec 97.

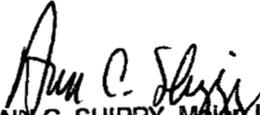
c. The member states that when he received the RCSBP information it was close to his Continuous Active Military Service Date and he incorrectly interpreted the suspense date to be 90 days from that date. The document (DD Form 214) he submitted verifying this date was issued in Jun 86 and was completely unrelated to the RCSBP package. The cover letter of the RCSBP package and two places in the body of the package inform the member there is a 90 day suspense from the date of receipt.

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4. The requirement that the member submit his election within 90 days of receipt is clearly established by Title 10, United States Code, Section 1448(a)(2)(B). He remains eligible to participate in the Survivor Benefit Plan (SBP) when he reaches age 60.

5. Recommendation: Recommend the member's request be denied. If the decision is to grant the relief sought, the member's record should be corrected to show that he elected full, immediate coverage for spouse and children (Option CF) under the RCSBP, effective 23 Dec 97.

6. Action officer is Mr. Marvin Silva, HQ ARPC/DRSE, DSN 926-6438. He can also be reached by fax at DSN 926-6357 or by e-mail msilva@arpcmail.den.disa.mil.

  
ANN C. SHIPPY, MAJAF USAF  
Deputy Director of Customer Assistance