

RCSBP Actions at Divorce

Reservist's Actions.

If you had spouse RCSBP coverage, the court may award former spouse RCSBP coverage in the divorce, former spouse RCSBP may be part of a written agreement not incorporated into the divorce proceedings, or be voluntary elected on your part. By law you have one year from the date of the divorce to request former spouse RCSBP. If the court order first awarding RCSBP is over one year from the date of the divorce, only your former spouse can change your RCSBP election to former spouse by deeming the former spouse election. You will submit the former spouse SBP requests on a DD Form 2656-1 (SBP Election Statement for Former Spouse Coverage) with the divorce decree and any subsequent court orders. If no action is taken by you or your former spouse within one year of the first court order awarding RCSBP, your RCSBP election is suspended spouse coverage and is precluded by law from being changed to former spouse.

Former Spouse Actions.

If the court awarded former spouse RCSBP coverage, the former spouse has one year from the date of the first court order that addressed and awarded the former spouse RCSBP to "deem" the election. Deeming the SBP election allows the former spouse to ensure the RCSBP election is changed to former spouse. The Reserve Soldier can only change the RCSBP election within one year of the divorce. If the court order awarding former spouse RCSBP is one year or more after the date of the divorce, only the former spouse can change the RCSBP election by deeming former spouse coverage. To deem former spouse RCSBP, the former spouse must submit a DD Form 2656-10 (SBP/RCSBP Request for Deemed Election) to HRC Reserve Retirements.

Attach a copy of the divorce and court order awarding former spouse SBP or if a written agreement, provide the written agreement awarding former spouse SBP and the court order incorporating, ratifying, or approving the written agreement.

Former Spouse RCSBP with Option A RCSBP. Since RCSBP was declined, RCSBP could not be awarded by the court. However, since an SBP election must be made at non-regular retirement, the court could award former spouse SBP. The Reservist would make the former spouse SBP election at retirement and the former spouse would still have one year from the first court order to deem former spouse SBP.



RCSBP at Active Duty Retirement

If retired from active duty either for length of service or disability, your RCSBP election is invalid and will not impact your SBP election. There will be no cost for any RCSBP coverage received.

Automatic RCSBP Coverage

Since January 1, 2001, if you have dependents (spouse and or children) and fail to make your RCSBP election within 90 days of receiving your NOE for retired pay, you will receive full immediate (Option C) RCSBP coverage for the dependents you had at that time. You are responsible for maintaining your automatic RCSBP election prior to non-regular retirement and updating the automatic RCSBP election with any election changes you have prior to non-regular retirement. Your automatic RCSBP election and any updates due to dependent changes will become your RCSBP election at non-regular retirement.

What You Need to Do to Change Your RCSBP Election

To change an RCSBP election, USAR and Retired Reserve Soldiers submit requests to the Human Resources Command (HRC) Reserve Retirement Branch. National Guard Soldiers submit requests to their National Guard State Headquarters for enclosure in personnel record systems. RCSBP changes need to be submitted with supporting documentation (divorce decree, marriage certificate, death certificate, birth certificate, adoption decree, or guardianship decree). The HRC Reserve Retirements mailing address is: Commander; HRC-Ft. Knox; ATTN: AHRC-PDP-TR; 1600 Spearhead Division Avenue; Ft. Knox, KY 40122. Contact information for USAR Retirement Services Officers (RSO) are available at; <http://soldierforlife.army.mil/retirement/reservecomponent.html>.

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MAINTAINING YOUR RESERVE COMPONENT SURVIVOR BENEFIT PLAN (RCSBP) ELECTION

YOU ARE RESPONSIBLE FOR UPDATING YOUR RCSBP ELECTION

after you make your initial RCSBP election when you receive your Notification of Eligibility (NOE) for Retired Pay (20-year letter). Ignoring this requirement can result in a you losing desired SBP coverage or receiving coverage you did not want for a dependent.

