**ADDENDUM TO RECORD OF PROCEEDINGS**

**IN THE MATTER OF:** **DOCKET NUMBER:** BC-2019-05141-2

XXXXXXXXXX **COUNSEL:** XXXXXXXXXX

**HEARING REQUESTED:** YES

**APPLICANT’S REQUEST**

The Board reconsider his request that he be allowed to transfer his Post-9/11 GI Bill Transfer of Education Benefits (TEB) to his dependents.

**RESUME OF THE CASE**

The applicant is a retired Air Force senior master sergeant (E-8). He served 20 years, 4 months and 20 days of service for retired pay.

The Defense Manpower Data Center (DMDC) records show the applicant applied for TEB on 28 February 2016. The application was disapproved on 30 March 2016, because the applicant did not secure the required retainability or complete and submit the required TEB SOU within the 30-day application period.

A Total Force Service Center (TFSC) myPers Console audit revealed the applicant was notified on 15 March 2016 and 25 March 2016 of the missing requirements. The applicant contacted the Total Force Service Center (TFSC) on 5 September 2018 regarding his 2016 application. TFSC personnel instructed the applicant to submit an AFBCMR for consideration. DMDC records show the applicant reapplied on 7 December 2019.

On 25 February 2020, the Board considered and denied his request to transfer his Post-9/11 GI Bill TEB to his dependents; finding the applicant had provided insufficient evidence of an error or injustice to justify relief. For an accounting of the applicant’s original request and the rationale of the earlier decision, see the AFBCMR Letter and Record of Proceedings at Exhibit F.

On 17 December 2021, the applicant requested reconsideration of his request. He contends he completed both AFI required steps to transfer his application; therefore, he satisfied the requirements for TEB approval. It is an injustice to deny him benefits based on uncontrollable technological limitations inherent in worldwide deployed operations. He provided statements attesting that he reenlisted and submitted the TEB SOU within the 30 day window and that many administrative packages submitted by Air Force members were lost. He made all reasonable efforts to submit the required paperwork to secure the TEB.

In support of his reconsideration request, the applicant submitted his Counsel’s brief, and supporting statements.

The applicant’s complete submission is at Exhibit G.

**APPLICABLE AUTHORITY/GUIDANCE**

In accordance with AFI 36-2649, *Voluntary Education Program*, 1 October 2014:

A13.18.1.1. Any member of the Armed Forces (active duty and/or Selected Reserve) on or after August 1, 2009 who meets Post-9/11 GI Bill eligibility requirements and at the time of the approval of the member’s request to transfer entitlement to educational assistance the member meets one of the following:

A13.18.1.1.1. Has at least 6 years of service in the Armed Forces (active duty and/or Selected Reserve, NOAA Corps, or PHS) on the date of application and agrees to serve 4 additional years in the Air Force from the date of request, regardless of the number of months transferred,

A13.20.1.1. If enlisted, ensure the member meets all eligibility requirements outlined in AFI 36-2306, Attachment 9, para. A13.18.1.2 or A13.18.1.3 prior to applying for TEB. Required retainability is determined by the date of application. Officers, who may have an indefinite Date of Separation (DOS), are only required to complete the TEB Statement of Understanding (SOU).

A13.20.1.5. Upon receipt of the Initial Notification email from the Total Force Service Center (TFSC), the member must: a) obtain retainability to meet the eligibility requirements; and b) sign the TEB SOU (NOTE: the TEB SOU will only appear in the member's vMPF/Self Service Actions/Transfer of Education Benefits) once 72 hours have passed since submitted the application in MilConnect AND the member meets the retainability requirements). Both of these actions must be accomplished within 30 days of the TFSC Initial Notification or the application will expire and the member will be required to re-apply for TEB.

**FINDINGS AND CONCLUSION**

1.  The application was timely filed.

2.  The applicant exhausted all available non-judicial relief before applying to the Board.

3.  After reviewing all Exhibits, the Board concludes the applicant is the victim of an error or injustice. The Board finds a preponderance of the evidence substantiates the applicant’s contentions and finds it is more likely than not the applicant made all reasonable efforts to secure retainability within the TEB application period and through no fault of his own his paperwork was lost after he submitted it through official channels. Therefore, the Board recommends correcting the applicant’s records as indicated below.

4.  The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board’s understanding of the issues involved.

**RECOMMENDATION**

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that on 28 February 2016, he was approved to transfer his Post 9/11 GI Bill Educational Benefits to his dependents and on 27 February 2020, he completed the required Active Duty Service Commitment for TEB as required by DODI 1341.13, Post-9/11 GI Bill.

**CERTIFICATION**

The following quorum of the Board, as defined in Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2019-05141-2 in Executive Session on 15 March 2022:

, Panel Chair

, Panel Member

, Panel Member

All members voted to correct the record. The panel considered the following:

Exhibit F: Record of Proceedings, w/Exhibits A-E, dated 9 March 2020.

Exhibit G: Application, DD Form 149, w/atchs, dated 17 December 2021.

Exhibit H: Documentary evidence, including relevant excerpts from official records.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.11.9.

