

ADDENDUM TO RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2020-02431-2

XXXXXXXXXX

COUNSEL: NONE

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 dependent.

RESUME OF THE CASE

The applicant is a retired Air Force master sergeant (E-7).

On 6 April 2021, the Board considered and denied his request that he be allowed to transfer his Post-9/11 GI Bill TEB to his dependent; finding the prior request was not timely submitted. 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 E.

On 15 April 2022, the applicant requested reconsideration of his request. He again contends he completed a TEB application in October 2011 but because of computer error his request did not register which has resulted in an injustice. He did not follow up on the request until his son required use of the benefits. In support of his reconsideration request, the applicant submitted a character reference letter from a Retired Chief Master Sergeant, dated 15 April 2022, as new evidence. The applicant's complete submission is at Exhibit F.

AIR FORCE EVALUATION

AFPC/DP3SA recommends denying the application. There is no record in the Defense Manpower Data Center (DMDC) the applicant applied for TEB. Without a request, eligibility for the program could not be established, as Directive-Type Memorandum (DTM) 09-003: Post-9/11 GI Bill (Attachment 2, 3.a.) and AFI 36-2306 AFGM1, *The Education Services Program* [18i(3)], cite the date of request as the date on which the appropriate service obligation would be applied. In accordance with AFI 36-2306 AFGM1 [18g(1), 18i and 20a(1)(c)], all requests for TEB must be submitted via the DMDC TEB web application while on active duty.

Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice on the part of the Air Force. DMDC shows no record the applicant applied for TEB. While the submitted character statement does speak to the applicant's character, it does not provide proof a TEB request was submitted via the TEB web application.

The complete advisory opinion is at Exhibit G.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 4 August 2022 for comment (Exhibit H), and the applicant provided a response indicating he firmly believes his signed statements of the facts is considered important evidence and if the computer failure/malfunction would not have transpired the DMDC would reflect the TEB was submitted. He further states, he followed appropriate instructions in applying for the TEB.

The applicant's complete response is at Exhibit I.

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 remains unconvinced the evidence presented demonstrates an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DP3SA and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board noted the character reference letter; however, the applicant has not shown that he applied for TEB. Without a request, eligibility for the program can not be established. Therefore, the Board recommends against correcting the applicant's records.
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 Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

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-2020-02431-2 in Executive Session on 8 November 2022:

, Panel Chair
, Panel Member
, Panel Member

All members voted against correcting the record. The panel considered the following:

Exhibit E: Record of Proceedings, w/ Exhibits A-D, dated 23 August 2021.
Exhibit F: Application, DD Form 149, w/atchs, dated 15 April 2022.
Exhibit G: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 21 July 2022.
Exhibit H: Notification of Advisory, SAF/MRBC to Applicant, dated 4 August 2022.

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.

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