

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-02365

XXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

He be allowed to transfer his Post-9/11 GI Bill Transfer of Educational Benefits (TEB) to his dependents.

APPLICANT'S CONTENTIONS

He applied for the TEB on 18 July 2013 and his application was denied on 8 August 2013. He was not notified of the denial. He had 29 years of satisfactory service and had met his obligation at the time of his request.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air National Guard lieutenant colonel (O-5).

Special Order XXX, dated 20 February 2014, reflects the applicant was honorably discharged from the Maryland Air National Guard effective 29 September 2013 and transferred to the Air Force Retired Reserve effective 30 September 2013. The applicant was credited with 29 years, 7 months and 22 days of total service for retired pay.

For more information, see the excerpt of the applicant's record at Exhibit B and the advisory at Exhibit C.

AIR FORCE EVALUATION

NGB/A1Y recommends granting the application. The applicant was retirement eligible on 7 February 2004. His NGB Form 22 reflects a date of separation of 29 September 2013 with a separation code of SPD: SBC (Elimination for length of service). The Defense Manpower Data Center (DMDC) MilConnect shows the applicant transferred his Post 9/11 benefits on 18 July 2013 and it was denied with code: Q for not being a current member on 8 August 2018.

Based on the documentation provided by the applicant and analysis of the facts, there is enough evidence to approve the applicant's request to transfer his TEB to his dependents. In accordance

with DoDI 1341.13, dated 31 May 2013 Enclosure 3.3.3.(a), *For individuals eligible for retirement on 1 August 2009, no additional service is required.* The applicant did apply for TEB while in service through the DMDC MilConnect website, there are no supporting documents to show he followed up with the Retention Office Manager to complete the process by signing a statement of understanding or provide proof of eligibility. However, due to historical data being lost at the unit there is no way to tell if the applicant signed a SOU or provided proof of eligibility.

The complete advisory opinion is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 21 March 2022 for comment (Exhibit D), but has received no response.

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 concurs with the rationale and recommendation of NGB/A1Y and finds a preponderance of the evidence substantiates the applicant's contentions. Therefore, the Board recommends correcting the applicant's records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that on 18 July 2013, he was approved to transfer his Post-9/11 GI Bill Educational Benefits to his dependents, with no additional service obligation.

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-2021-02365 in Executive Session on 14 June 2022:

- , Panel Chair
- , Panel Member
- , Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 9 July 2021.

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

Exhibit C: Advisory opinion, NGB/A1Y, dated 22 February 2022.

Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 21 March 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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Board Operations Manager, AFBCMR