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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-02881

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COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

He converted his Montgomery GI Bill benefits to the Post 9/11 GI Bill when he was allowed. He made the transfer in the military personnel data system (MilPDS) for both his daughters and checked several times before he retired that the share for each was 50 percent. When he retired, he was under the impression that all he had to do was apply for the benefits once his daughters were heading to college. His oldest daughter is entering college this fall and he was informed by the Veterans Administration (VA) that his daughter was not eligible as his TEB benefits were never transferred.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 27 Aug 09, according to DD Form 4, *Enlistment/Reenlistment Document, Armed Forces of the United States*, the applicant reenlisted for a period of 4 years and 10 months.

On 2 Dec 14, according to Air Force Form 1411, *Extension or Cancellation of Extensions of Enlistment in the Regular Air Force (REGAF)/Air Force Reserve (AF RESERVE)/Air National Guard (ANG)*, the applicant extended his 27 Aug 09 reenlistment for a period of 3 months for the purpose of "retire during extension period".

On 31 Aug 15, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, he retired from active duty and was credited with 22 years and 12 days of active service.

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

APPLICABLE AUTHORITY/GUIDANCE

Air Force Instruction (AFI) 36-2649, *Voluntary Education Program*, 1 Oct 14:

AFBCMR Docket Number BC-2021-02881

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Controlled by: SAF/MRB

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Limited Dissemination Control: N/A

POC: SAF.MRBC.Workflow@us.af.mil

A13.18.9.3. Once certifying officials have approved a request to transfer benefits, Airmen may print a hard copy of the certified TEB request for their personal records. Additional service commitments will be recorded in the appropriate personnel system(s). Additional service commitments resulting from transferring unused Post-9/11 GI Bill benefits begin on the date of request and are served concurrent with any other additional service commitment in effect at the time of the transfer or incurred at any time after the request to transfer benefits. Transfer of Post- 9/11 GI Bill benefits, in and of itself, will not limit any other reenlistment option or incentive to which a member may be eligible

A13.20.1.3. Members must submit their TEB application through the MilConnect website (<https://www.dmdc.osd.mil/milconnect>). NOTE: A member CANNOT submit a TEB request through the Department of Veterans Affairs (DVA) website. MilConnect is the system of records DoD-wide for TEB actions.

Department of Defense Instruction (DoDI) 1341.13, *Post-9/11 GI Bill*, Enclosure 3 (3)(f)(1) Time for Transfer. An individual approved to transfer entitlement to educational assistance under this section may transfer such entitlement to the individual's family member only while serving in the Military Services (active duty or Selected Reserve.), NOAA Corps, or PHS. An individual may not add family members after retirement or separation from the Uniformed Services

38 U.S.C., Section 3319 (f) (1) states: "an individual approved to transfer entitlement to educational assistance under this section may transfer such entitlement only while serving as a member of the armed forces when the transfer is executed."

AIR FORCE EVALUATION

AFPC/DP3SA recommends denying the applicant's request to transfer his Post-9/11 GI Bill TEB to his dependent daughters. While the applicant contends that he converted from the Montgomery GI Bill to the Post-9/11 GI Bill and states that he went to what he believes was "MilPDS to make the transfer to both...", the Defense Manpower Data Center (DMDC) shows no record that he applied for TEB. Without a request, eligibility for the program could not be established as AFI 36-2649, states the date of request as the date on which the appropriate service obligation would be applied. Additionally, in accordance with DoDI 1341.13 and AFI 36-2649, 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 and to grant relief would be contrary to the criteria established by 38 USC 3319 and DoDI 1341.13.

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 22 Sep 22 for comment (Exhibit D), but has received no response.

FINDINGS AND CONCLUSION

1. The application was not 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 not the victim of 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 also notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Air Force Instruction 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find the assertion supported by a preponderance of the evidence. The Board does not find it in the interest of justice to waive the three-year filing requirement. Therefore, the Board finds the application untimely and 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 application was not timely filed; it would not be in the interest of justice to excuse the delay; 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-2021-02881 in Executive Session on 8 Nov 22

Work-Product, Panel Chair
 Work-Product, Panel Member
 Work-Product, Panel Member

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

- Exhibit A: Application, DD Form 149, dated 16 Aug 21.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atch, dated 22 Jul 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 22 Sep 22.

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.

6/12/2025

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Signed by: USAF

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