

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-00031

XXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

He be allowed to transfer his Post-9/11 GI Bill education benefits (TEB) to his eligible dependents.

APPLICANT'S CONTENTIONS

On 15 August 2016, he reenlisted for the purpose of transferring education benefits to his dependents. On 2 December 2021, while preparing to retire, he discovered his 31 July 2016 TEB application had been denied. He had completed over five years of his enlistment. Therefore, he contacted the Total Force Service Center (TFSC) to find out why his application had been denied even though he indicated that he was reenlisting for the purpose of TEB. He was informed by the TFSC that his application was denied because he did not complete the TEB Statement of Understanding (SOU). He has no recollection of receiving a TEB SOU; however, he believed the TEB SOU was completed when he acknowledged the ten questions in milConnect, when finalizing his TEB request.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 28 June 2016, according to AF Form 901, *Reenlistment Eligibility Annex to DD Form 4*, the applicant selected "Yes" in Section D "*The reason for this reenlistment is to qualify for transferability of the Post 9/11 G.I. Bill.*"

On 15 August 2016, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant reenlisted for four (4) years and twenty-three (23) months.

On 1 October 2022, according to Special Orders No. XX-XXXX, provided by the applicant, dated 4 November 2021, the applicant will retire with twenty (20) years, and twenty-one (21) days of active service.

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

AIR FORCE EVALUATION

AFPC/DP3SA recommends denying the application. 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. According to Defense Manpower Data Center (DMDC) records, the applicant applied for TEB on 20 June 2016. On 21 July 2016, his application was rejected because he did not secure the required retainability within the TEB application window. On 31 July 2016, the applicant then reapplied for TEB; however, this application was rejected on 31 August 2016

because he failed to sign and submit the required TEB SOU. In accordance with AFI 36-2649 AFGM2015-01, *Air Force Voluntary Education Program*, A13.18.1.1.1., A13.20.1.1., and A13.20.1.5., members must complete the TEB SOU agreeing to four additional years from the date of application. In addition, the TEB SOU must be submitted within 30 days of the Initial Notification. The applicant did not secure the proper retainability after the submission of his June application and did not complete and submit the required TEB Statement of Understanding (SOU) for his July application.

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 23 February 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. While the Board notes the recommendation of AFPC/DP3SA against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant’s contentions. The Board found the applicant enrolled in TEB and completed the required service commitment. Furthermore, the Board found the applicant met the intent to properly enroll in TEB and to deny would be a detriment to the applicant. 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 31 Jul 16, he elected and was approved to transfer his Post-9/11 GI Bill Educational Benefits to his dependents with an obligation end date of 30 Jul 20.

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-2022-00031 in Executive Session on 19 April 2022:

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

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

Exhibit A: Application, DD Form 149, w/atchs, dated 7 January 2022.

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

Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 15 February 2022.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 23 February 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.

X

Board Operations Manager, AFBCMR