



CUI//SP-MIL/SP-PRVCY

**UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS**

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-00306

Work-Product

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

In 2016, the applicant transferred education benefits with service commitment until 2020. However, in 2018, due to force shaping, he was not retained and retired voluntarily. The applicant was unaware that he did not retain his education benefits until he was preparing for his dependent to attend college. Furthermore, he discovered Separation Program Designator (SPD) Code on his NGB Form 22 was incorrect, which prevented him from retaining the ability to TEB to his dependents. The SPD Code on the applicant's NGB Form 22 has been corrected, and he is requesting to have his education benefits reinstated.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 3 Sep 22, according to the Defense Manpower Data Center printout provided by NGB/A1Y, the applicant elected to transfer his education benefits to his dependents and incurred a four-year military service obligation with an end date of 2 Sep 20.

On 30 Sep 18, according to NGB Form 22, *Report of Separation and Record of Service*, the applicant transferred to the retired reserve with twenty-nine (29) years and twenty-two (22) days of service. Additionally, Item number 23. *Authority and Reason* reflects, "Transfer to the USAF Reserve Retired List – Retirement Voluntary//Under Age 60. SPD: RBD after," which SPD code RBD is defined as the reason for separation for "Sufficient Service for Retirement."

On 19 Jan 22, according to NGB Form 22a, *Correction to NGB Form 22*, item number 23 was corrected to read "Transfer to the USAF Reserve Retired List – Retirement Voluntary//Under Age 60. SPD: GCN," which SPD code GCN is defined as a reason for separation for "Force Shaping."

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

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Controlled by: SAF/MRB
CUI Categories: SP-MIL/SP-PRVCY
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

AIR FORCE EVALUATION

NGB/A1Y, recommends granting the application because there is evidence of error or injustice on the part of the Air Force. On 3 Sep 16 the applicant successfully transferred Post 9/11 education benefits to his dependents with a service commitment of 2 Sep 20. On 30 Sep 18, the applicant was separated for non-Retention Force Shaping and his NGB Form 22 reflected a Separation Program Designator (SPD) Code of RBD - *Sufficient Service for Retirement*. The applicant was ineligible to transfer education benefits because he did not complete his service commitment, and the SPD Code on his NGB Form 22 reflected retirement. On 6 Mar 18, an NGB/A1P policy change to ANGI 36-2651 stated *ANG members being separated or discharged for non-retention IAW ANGI 36-2651 currently receive a SPD Code of GCN – Transfer to the USAF Reserve Retired List – Voluntary/Under age 60*. On 19 Jan 22, the applicant’s NGB Form 22 was corrected to reflect SPD Code GCN – *Force Shaping (Board Selected)*, which renders him eligible to transfer Post-9/11 education benefits to his dependents.

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

FINDINGS AND CONCLUSION

1. The application was not timely filed, but it is in the interest of justice to excuse the delay.
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. The Board found on 30 Sep 18, the applicant separated for Non-Retention Force Shaping. In accordance with a 6 Mar 18, change to ANGI 36-2651, the applicant is permitted to retain Post-9/11 education transfer benefits as he was precluded by standard policy from fulfilling his four year service obligation and served to the maximum amount of time allowed. 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 3 Sep 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 Sep 18.

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-2022-00306 in Executive Session on 6 Dec 22:

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

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

Exhibit A: Application, DD Form 149, w/atchs, dated 27 Jan 22.

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

Exhibit C: Advisory opinion, NGB/A1Y, dated 25 Apr 22.

Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 9 Jun 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.

4/8/2024

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