



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-2022-00546

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

On 17 Jul 12, the applicant submitted a myPers ticket to confirm he completed enough active duty points to convert his education benefits from the Montgomery GI Bill to Post-9/11 GI Bill. On 13 Sep 12, he received confirmation of eligibility from the Air Force Reserve Personnel Center (ARPC). Subsequently, he submitted an application to TEB to his dependents via the Veterans On-Line Application (VONAPP) where he transferred one month of benefits to his wife and thirty-five (35) months of benefits to his daughter. While he printed a copy of his TEB confirmation page, he is unable to locate it and he just recently discovered the error when his daughter graduated from high school. He served for 28 years and made numerous sacrifices of time away from his family to ensure that his daughter would receive these benefits.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force Reserve major (O-4) awaiting retired pay at age 60.

On 24 May 08, according to a "Notification of Eligibility for Retired Pay at Age 60" memorandum, dated 5 Sep 08, the applicant had accumulated 5594 points and became retirement eligible.

On 1 Jun 16, according to Special Order *Work-Product* provided by the applicant, dated 4 Apr 16, the applicant was assigned to the Retired Reserve.

On 1 Jun 16, according to notification letter from Air Force Personnel Center (ARPC), dated 26 Jun 15, the applicant was required to leave active status after completing twenty-eight (28) years of service.

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

APPLICABLE AUTHORITY

In accordance with Directive-Type Memorandum (DTM) 09-003, dated 22 Jun 09 DoD Instruction 1341.3, *Post-9/11 GI Bill Program*, dated 31 May 13, members are eligible to transfer benefits if their service to the Armed Forces was on or after 1 Aug 09. If that member became retirement eligible during the period from 1 August 2009, through 31 July 2012 and agreed to serve the additional period, if any, specified in the following subparagraphs before 1 August 2013 (the date that this subparagraph became no longer in effect), then that member was considered to have an approved transfer provided they fulfilled their service commitment:

- For individuals eligible for retirement on 1 August 2009, no additional service is required.

AIR FORCE EVALUATION

ARPC/DPAT recommends denying the application. There is no error or injustice on the part of the Air Force. The applicant contends in Jul 12, he successfully submitted an application for TEB in milConnect allotted monthly benefits to his dependents. The applicant insists he printed a copy of the confirmation for his records; however, he is unable to locate said copy. On 17 Jul 12, the applicant submitted a myPers ticket inquiring about an online application status that was accepted by Muskogee Veterans Affairs (VA) Regional Office with a confirmation number. On 13 Sep 12, the applicant received a Letter of Certification from the VA, with the advice to execute the transfer of benefits to his dependents prior to his retirement. On 17 Jun 21, the applicant submitted a myPers ticket requesting documentation confirming the transfer of benefits to his dependents before his retirement. On 21 Jun 21, the applicant was notified that there is no evidence of a TEB request in his Benefits for Education Administrative Service Tool (BEAST) records, nor evidence of a signed SOU in his personnel records.

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

The applicant's complete response is at Exhibit E.

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. While the Board notes the recommendation of ARPC/DPAT against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant's contentions. The Board notes the applicant obtained an approval for TEB from the Muskogee VA Regional Office. Given the applicant was retirement eligible prior to 1 Aug 09 and would have incurred no additional service commitment for the transfer of benefits, the Board concludes a preponderance of evidence substantiates his 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 2012, he transferred his Post-9/11 GI Bill Education Benefits to his eligible dependents and the transfer was approved 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-2022-00546 in Executive Session on 17 May 22:

<i>Work-Product</i>	Panel Chair
<i>Work-Product</i>	Panel Member
<i>Work-Product</i>	Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 2 Aug 21.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, ARPC/DPAT, w/atchs, dated 21 Mar 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 6 Apr 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.

6/14/2023

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