

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-00679

XXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

She be allowed to transfer her Post-9/11 GI Bill Transfer of Education Benefits (TEB) to her dependents.

APPLICANT'S CONTENTIONS

She submitted a TEB request on 24 September 2012 and the application was rejected on 10 October 2012. She was informed that she did not obtain retainability within the 14-day application window. When she applied for TEB there was an exception to policy regarding her High Year of Tenure (HYT) date. She was not aware of the policy and the Service Representative that she spoke with did not brief her on the policy nor was she provided with any other guidance/instructions regarding her application or the application process.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force technical sergeant (E-6).

On 31 March 2016, according to DD Form 214, *Certificate of Release of Discharge from Active Duty*, the applicant received an honorable character of service. She served 20 years and 25 days of active service. Her narrative reason for separation reflect Vol. Retirement: Maximum Service or Time in Grade.

On 1 April 2016, according to Special Orders No. XXX, dated 22 July 2015, the applicant retired in the grade of technical sergeant and was credited with 20 years and 25 days of active service for retirement.

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 granting the application. The Defense Manpower Database Center (DMDC) records show the applicant applied for TEB on 24 September 2012. The application was rejected on 10 October 2012 because she failed to secure the required retainability within the application period. In accordance with Directive-Type Memorandum 09-003: Post-9/11 GI Bill, Incorporating Change (IC) 2, Attachment 2 [3.a.(2)] and AFI 36-2306, IC1, Voluntary Education Program (A9.18.1.3), members precluded by policy or statute from committing 4 additional years of service, must agree to serve for the maximum amount of time allowed by such policy or statute.

Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice on the part of the Air Force. The applicant received no counseling regarding her eligibility in spite of her HYT date. Neither the Initial Notification nor follow-up correspondence provided counseling regarding the policy exception to the four year service obligation.

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 May 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 AFPC/DP3SA 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 on 24 September 2012, she elected and was approved to transfer her Post-9/11 GI Bill Education Benefits to her dependents with an obligation end date of 31 March 2016.

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-2022-00679 in Executive Session on 12 July 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 28 February 2022.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFPC/DP3SA, w/atchs, dated 13 May 2022.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 23 May 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