



**CUI//SP-MIL/SP-PRVCY**  
**UNITED STATES AIR FORCE**  
**BOARD FOR CORRECTION OF MILITARY RECORDS**

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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

*Work-Product*

**DOCKET NUMBER:** BC-2022-01015

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

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**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 4 Aug 09, the applicant applied for TEB at the local education office and was advised the process would take a few months to complete. On 13 Oct 09, the applicant received a Certificate of Eligibility (COE) for TEB, and on 20 Oct 09 she returned to the education office to transfer twelve (12) months of benefits to her dependents. Again, she was advised by the education office that a back log of applications would result in a delayed approval. In Jun 10, while in-processing the education office at a new base, the applicant confirmed with a representative that no further action was required because the transfer of benefits had been completed and was reflecting in the system. In Jul 12, the applicant attended Transition Assistance Plan (TAP) briefings in preparation to retire and indicated on her pre-separation checklist that she would not use her education benefits after retirement. In Feb 13, the applicant was promoted and remained in service. From Aug 14 through May 16, the applicant completed her master's degree and was intentional about not using her education benefits by paying out of pocket. In Sep 16, the applicant completed TAP for the second time in preparation to retire in Jul 17, and still believed her dependents were eligible to receive her education benefits. On 23 Mar 22, when the applicant contacted the G.I. Bill hotline to request a COE for her dependent, she discovered the system had an address from thirteen years prior, and that her dependents were not entitled to her education benefits. The applicant immediately contacted the myPers, and was informed that there was no record of her application on file.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is a retired Air Force senior master sergeant (E-8).

On 30 Jun 17, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant retired with twenty-five (25) years and twenty-three (23) days of active service.

On 1 Jul 17, according to Special Order *Work-Product*, dated 19 Oct 16, the applicant was relieved from active duty and retired.

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According to the applicant's Statement of Service, she had a Total Active Federal Military Service Date of 8 Jun 1992 and given that she had no break-in-service, she would have been retirement eligible in June of 2012.

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

**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 or after 1 August 2011, and before 1 August 2012, 3 years of additional service is required.

**AIR FORCE EVALUATION**

AFPC/DP3SA recommends denying the application. In Jun 10, while in-processing at her base, the applicant inquired and was assured that her education benefits had been transferred to her dependents and no further action was required. However, the Defense Manpower Data Center shows no record the applicant applied for TEB. In accordance with (IAW) AFI 36-306\_AFGM1 [18g(1), 18i and 20a(1)(c)], all requests for TEB must be submitted via the DMDC TEB web application while on active duty. Therefore, there is no evidence of an error or injustice on the part of the Air Force because DMDC shows no record the applicant applied for TEB.

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 3 May 22 for comment (Exhibit D), and the applicant replied on 7 May 22. In her response, the applicant contended that she was misinformed and believed that she successfully transferred education benefits to her dependents. The applicant notes that she applied for TEB when it was initially launched, and there was no system to monitor the status of her request. She also notes there was no formal training on the correct way to apply, and the TEB Beneficiary Guide was not created until after she retired from service.

The applicant's complete response is at Exhibit E.

**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 the victim of an error or injustice. The Board notes the comments of AFPC/DP3SA indicating that relief should be denied; however, at the time the applicant initiated her application, the Post-9/11 GI Bill TEB program was still being introduced and a lot of confusion surrounded the procedures for executing a transfer of benefits. The Board further notes, that the applicant received a Certificate of Eligibility letter, dated 13 Oct 09 from the VA that shows she was entitled to 100% of the GI Bill benefits and is evidence that she had attempted the transfer. Based on the date the applicant stated they applied and her Total Active Federal Military Service Date of 8 Jun 92, she would have been retirement eligible in June 2012 and would have incurred a three-year service obligation, which she would have fulfilled prior to her 30 Jun 17 retirement date. As such, the Board finds the preponderance of the evidence supports her claim. 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 the APPLICANT be corrected to show that on 13 October 2009 she elected and was approved to transfer her Post-9/11 GI Bill Education Benefits to her eligible dependent with a subsequent Obligation End Date (OED) of 12 October 2012.

**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-2022-01015 in Executive Session on 12 Jul 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 3 Apr 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 28 Apr 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 3 May 22.
- Exhibit E: Applicant's Response, dated 7 May 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.

2/24/2023

*Work-Product*