



Work-Product

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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01170

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

### APPLICANT'S REQUEST

He be allowed to transfer his Post-9/11 GI Bill Transfer of Education Benefits (TEB) to his dependents effective 1 October 2012 and change his Active Duty Service Commitment (ADSC) Obligation End Date (OED) to 30 September 2016.

### APPLICANT'S CONTENTIONS

During a meeting with his Retention Officer regarding TEB, he did not receive a briefing or details of the TEB form other than to "initial and sign" which would complete his transfer through the Retention Office. He was able to make his initial TEB to his spouse and was certain that the process was complete. He was informed that the transfer would be updated in MilConnect, and he verified the transfer was successful. Prior to retirement and out-processing, he made sure to update his benefits to be transferred to his daughter. However, in March 2022, he was informed that his TEB had been revoked due to not meeting his service obligation. He was certain he had completed and followed all the necessary steps ensuring no discrepancies. He had no knowledge of the OED and was never briefed of this requirement. He has always maintained and continues to hold the highest level of pride and loyalty for his time in the service. Although he is retired, he continues to live by the Air Force Core Values.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

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

On 19 August 2013, the applicant signed Post 9/11 GI Bill Transfer of Educational Benefits Statement of Understanding and committed to a four-year service obligation with an obligation end date of 18 August 2017.

On 30 September 2016, according to Special Order Work-Product, dated 18 May 2016, the applicant was relieved from assignment and on 1 October 2016 retired in the grade of master sergeant after serving 20 years, 4 months, and 23 days of active service for retirement.

According to Special Order Work-Product, date 26 April 2017, the applicant was honorably discharged from the Work... ANG effective 30 September 2016 and transferred to the USAF Retired List on 1 October 2016.

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

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Limited Dissemination Control: N/A

POC: [SAF.MRBC.Workflow@us.af.mil](mailto:SAF.MRBC.Workflow@us.af.mil)

## AIR FORCE EVALUATION

NGB/A1Y recommends denying the application. Based on the documentation provided by the applicant and analysis of the facts, there is not enough evidence to approve the requests. In accordance with DoDI 1341.13, paragraph 3.a.(1). "Members must be eligible to be retained for four years from the date of election and not be precluded, prior to approval, by either standard policy (Service or DoD) or stature." The Post 9/11 TEB is a retention tool that requires a service obligation. According to the DD Form 214, the applicant voluntarily separated before completing the four years of service obligation for the TEB; therefore, he is not eligible to keep his Post 9/11 Transfer. NGB/A1Y further states, they appreciate the applicant's service.

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 22 September 2022 for comment (Exhibit D), and the applicant replied indicating he hopes that thorough and fair consideration is based not solely on facts or references to Air Force Instructions and Regulations, but what transpired during the Retention and Retirement processes at the Work-Pr... Airlift Wing, Work-Product Air National Guard that has led to his status. The Work-Product National Guard AGR Handbook provides guidance for service members during the separation/retirement when 20 years of service is obtained with additional extension or recommendation to extend approved through the AGR Continuation Board (ACB) determination. In 2016, no process or screening was available to identify TEB service extension requirements. Personnel are eligible for retirement from AGR duty upon completion of 20 years accumulated active service. Also, under Section 1-8 Length of Tours/Period, clearly states "Upon reaching 20 years of active service, AGR Officers and enlisted personnel will be reviewed by the ACB to stay beyond 20. Although the DD Form 214 may show "voluntarily separated," no AGR's were maintained within the Work-Pro...AW without the ACB after 20 years of satisfactory service. Furthermore, the Pre- "Post 9/11" retention and retirement process did not include Post-9/11 GI Bill TEB review that had significantly changed the process allowing those close to retirement to fulfill the TEB obligation. During his out-processing, he was not afforded the opportunity to extend his enlistment due to the separation process that was not up to date nor included TEB review as part of the out-processing checklist. No evidence exist that shows his TEB requirements were ever discussed or considered for extension of orders by the Retention/Retirement office.

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 not 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 does not substantiate the applicant's contentions. The Board also notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Air Force Instruction

36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find the assertion supported by a preponderance of the evidence. The Board does not find it in the interest of justice to waive the three-year filing requirement. Therefore, the Board finds the application untimely and recommends against correcting the applicant's records.

4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

## RECOMMENDATION

The Board recommends informing the applicant the application was not timely filed; it would not be in the interest of justice to excuse the delay; and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

## 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-2022-01170 in Executive Session on 10 January 2023:

Work-Product

, Panel Chair

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, Panel Member

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, Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 21 April 2022.

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

Exhibit C: Advisory Opinion, NGB/A1Y, w/atchs, dated 13 June 2022.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 22 September 2022.

Exhibit E: Applicant's Response, w/atchs, dated 22 September 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.

6/12/2025

X

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Board Operations Manager, AFBCMR

Signed by: USAF

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