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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01366

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His 2018 application for the Post-9/11 GI Bill Transfer of Education Benefits (TEB) be approved so that he can transfer one (1) month to each of his eligible dependents.

APPLICANT'S CONTENTIONS

He made two (2) attempts to transfer his TEB in 2018 and he believes that his Statement of Understanding (SOU) was timely submitted within the 30 day time frame. While reviewing his records, he discovered that his 2018 TEB applications had been denied and the justification stated that the Service Member has not committed to the required additional service time and at the time he did meet the retainability requirement. When he contacted the Total Force Service Center (TFSC) he was told that his applications had been denied because he never submitted the SOU. He has served honorably for 20 years and believes that he has also fulfilled the retainability requirements for TEB.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force master sergeant (E-7). According to the applicants RAWS SURF, he entered active duty on 19 Nov 02.

On 16 Feb 16, according to DD Form 4, *Enlistment/Reenlistment Document, Armed Forces of the United States*, the applicant reenlisted for a period of 3 years and 31 months establishing a date of separation (DOS) of 15 Sep 21.

On 2 Jul 18, according to Defense Management Data Center (DMDC) records, the applicant applied for TEB.

On 3 Aug 18, according to DMDC records, the applicant's application was rejected due to failure to sign a SOU and/or failure to obtain the required retainability.

On 14 Nov 18, according to Defense Management Data Center (DMDC) records the applicant reapplied for TEB.

On 17 Dec 18, according to DMDC records, the applicant's application was rejected due to failure to sign a SOU and/or failure to obtain the required retainability.

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Controlled by: SAF/MRB

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Limited Dissemination Control: N/A

POC: SAF.MRBC.Workflow@us.af.mil

According to a DMDC incident logs provided by AFPC/DP3SA, on 13 Jul 18 and 25 Nov 18, courtesy emails were sent to the applicant regarding his TEB requests via his military e-mail ending in us.af.mil.

On 20 Jan 22, according to AF Form 1411, *Extension of Enlistment in the Air Force*, the applicant requested that his current enlistment entered on 6 Feb 16 be extended for a period of 2 months for the purpose of retirement and his DOS of 15 Oct 22 be extended to 15 Dec 22. The form contains this statement: "This is the 2 extension to my current enlistment. All extensions to my current enlistment (including this one) now total 15 months."

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

APPLICABLE AUTHORITY/GUIDANCE

Air Force Instruction (AFI) 36-2649_Air Force Guidance Memorandum (AFGM)2018-01, *Air Force Voluntary Education Program*, dated 1 Oct 14:

A13.20.1.5. Upon receipt of the Initial Notification email from the Total Force Service Center (TFSC), the member must: a) obtain retainability to meet the eligibility requirements; and b) sign the TEB SOU (NOTE: the TEB SOU will only appear in the member's vMPF/Self Service Actions/Transfer of Education Benefits) once 72 hours have passed since submitted the application in MilConnect AND the member meets the retainability requirements). Both of these actions must be accomplished within 30 days of the TFSC Initial Notification or the application will expire and the member will be required to re-apply for TEB.

A13.20.1.6. When member has obtained the required retainability and signed the TEB SOU, the TFSC will approve the member's TEB application in MilConnect and send the member Approval Notification.

Department of Defense Instruction (DoDI) 1341.13, Ch 1, 12 Jul 18, *Post-9/11 GI Bill Program*, Enclosure 3, Procedures, paragraph 3a, Eligible Individuals, effective 1 year from the effective date of Change 1 to this issuance, any service member on or after 1 Aug 09, who is entitled to the Post-9/11 GI Bill at the time of the approval of his or her request to transfer that entitlement under this section, may request to transfer that entitlement provided he or she has at least 6 years of military service (active duty or Selected Reserve on the date of election. Only members with at least 6 years, but not more than 16 years, of total creditable service in the Military Services (active duty service and/or Selected Reserve), will be eligible to transfer education benefits to eligible family members.

AIR FORCE EVALUATION

AFPC/DP3SA recommends denying the applicant's request for TEB application approval. Based on review of Defense Manpower Data Center records and analysis of the facts, there is no evidence of an error or injustice on the part of the Air Force as the applicant either failed to secure the required retainability and/or failed to complete and submit the SOU within the application window. In accordance with AFI 36-2649_AFGM2018-01, members must agree to serve four additional years from the date of application by completing and submitting the TEB SOU within 30 days of Initial Notification. The applicant applied for TEB on 2 Jul 18 and his application was denied on 3 Aug 18 because he failed to complete and submit the required TEB SOU. The applicant

reapplied on 14 Nov 18 and the application was rejected because he failed to secure the required retainability. Examination of the records indicate a Notification of Application receipt, with instructions, were sent to the applicant on 3 Jul 18 and 15 Nov 18 followed by reminders notifications. These notifications were sent to the applicant's Air Force e-mail address on file, and as noted in his request.

To grant relief would be contrary to the criteria established by law and Department of Defense guidance.

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 11 Jul 22 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 not 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 does not substantiate the applicant's contentions. The Board determines that the applicant failed to either obtain the required retainability and/or submit a signed TEB SOU. Therefore, the Board recommends against correcting the applicant's records.

RECOMMENDATION

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, 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-2022-01366 in Executive Session on 8 Nov 22:

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

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

- Exhibit A: Application, DD Form 149, dated 17 May 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 20 May 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 11 Jul 22.

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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.

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