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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2022-01418

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

He be allowed to transfer his Post-9/11 GI Bill Transfer of Education Benefits (TEB) to his eligible dependent children.

APPLICANT'S CONTENTIONS

He was planning on retiring/out-processing from Pope AFB, NC, on his final planned Unit Training Activity (UTA) weekend of 5-6 Jun 10. However, the Reserve military aircraft that was scheduled to fly him there, along with others from his unit, cancelled due to mechanical issues. He then rescheduled his out-processing/retirement at Pope AFB, NC, for an alternate UTA weekend of 12-13 Jun 10. However, upon arrival at Pope AFB, he discovered that all the Reserve facilities, including the out-processing and education and training offices were closed and he was unable to meet with representatives of either prior to his retirement. Consequently, he was never notified or offered the opportunity to apply to transfer his Post-9/11 GI Bill TEB to his dependents.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force Reserve senior master sergeant (E-8) awaiting retired pay at age 60.

On 1 May 05, according to ARPC/DPPR memoranda, *Notification of Eligibility for Retired Pay at Age 60*, dated 9 Aug 05, in accordance with Title 10 USC 12731, the applicant completed the required years of service for retired pay at age 60.

On 1 Jul 10, according to Reserve Order **Work-Product** dated 30 Sep 09, the applicant was assigned to the Reserve Retired List. According to the applicant's PCARS report, *Service History*, dated 28 Sep 22, he was credited with 25 years, 3 months, and 20 days of satisfactory service.

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

APPLICABLE AUTHORITY/GUIDANCE

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

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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 applicant's request to transfer his Post-9/11 GI Bill TEB to his eligible dependents. He requests that a certification of eligibility/Transfer of Eligibility (TEB) of Post-9/11 GI Bill be granted to his dependents as he contends that he was not offered the benefit nor was he able to meet with an Education and Training representative as he was unable to out-process in person and had no knowledge of the program prior to retirement. Upon reviewing the applicant's Benefits for Education Administrative Services Tool (BEAST) records, BEAST Service Member TEB History, Automated Records Management System (ARMS), and myPers records, there is no evidence of either a TEB request submission or history of TEB related documentation.

Department of Defense Instruction (DoDI) 1341.13, *Post-9/11 GI Bill*, dated 31 May 13, directs that all eligible active duty Service members and members of the Reserve Components be made aware that they are automatically eligible for Post-9/11 GI Bill educational assistance upon serving the required active duty time as outlined in section 3311 of the Post-9/11 GI Bill. The applicant retired on 1 Jul 10, and is no longer eligible to request a transfer of benefits to his dependents as he can not submit to four (4) additional years of military service. Additionally, if the member was approved for TEB at the time of his retirement preparation, then in accordance with DODI 1341.13, an additional one (1) year of service would have been required.

Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice as a TEB request was never submitted by the applicant, and due to his retirement, he is no longer eligible to transfer his education benefits to his dependents.

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 30 Aug 22 for comment (Exhibit D), but has received no response.

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. 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 that at the time the applicant indicates he applied, 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 finds the applicant's contentions credible, specifically, that due to no fault of his own, the Reserve facilities, including the out-processing and education and training offices were closed and he was unable to meet with representatives of either prior to his

retirement. Consequently, he was never notified or offered the opportunity to apply to transfer his Post-9/11 GI Bill TEB to his dependents. In this regard, the applicant provides a copy of his USAFR Point Credit Summary from 2 May 10 thru 30 Jun 10. The document shows that the applicant was originally schedule for UTA from 5 - 6 Jun 10 (first weekend of the month is the typical drill weekend) but was rescheduled to complete his UTA from 12 – 13 Jun 10. Given the applicant had more than 20 years of satisfactory service prior to 1 Aug 09 and would have incurred no additional service commitment for the transfer of benefits, the Board concludes a preponderance of the 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 on 12 Jun 10, he elected to transfer his Post-9/11 GI Bill Educational Benefits to his eligible dependents and obtained no additional military service obligation with the approved transfer.

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-2022-01418 in Executive Session on 8 Nov 22 and 13 Jan 23:

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, w/atchs, dated 3 May 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, ARPC/DPAT, w/atchs, dated 18 Jun 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 30 Aug 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.

8/11/2025

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Signed by: Work-Product