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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01448

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COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His Transfer of Education Benefits (TEB) application be retroactively approved as of 17 August 2012 (sic).

APPLICANT'S CONTENTIONS

He reenlisted in the Air Force to be able to transfer his benefits and this is reflected on the reenlistment documentation in the Personnel Records Display Application (PRDA). He could not meet the initial application timeline requirements for retainability due to being geographically separated from the unit chain of command. Retainability was obtained shortly after the application window closed. He completed a full four-year enlistment which is required for TEB.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air Force master sergeant (E-7).

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 denying the application. The Defense Manpower Database Center (DMDC) records show the applicant applied for TEB on 30 July 2012. The application was rejected on 14 August 2012 because he failed to secure retainability within the application window. In accordance with Directive-Type Memorandum 09-003: *Post 9/11 GI Bill*, Incorporating Change (IC) 2, Attachment 2 [3.a.(1)] and AFI 36-2306, IC1, *Voluntary Education Program* (A9.18.1.2 and A9.20.1.1.), members must secure four years of retainability from the date of application. At the time of application rejection, the applicant's separation date was 31 March 2013. He required retainability to 29 July 2016.

Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice on the part of the Air Force. The applicant did not secure retainability within the application window.

The complete advisory opinion is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 5 July 2022 for comment (Exhibit D), and the applicant responded on 21 July 2022, indicating although he understands the rationale of not obtaining retainability within the specified 14-day timeframe; his paperwork clearly shows that he applied for reenlistment in order to gain the necessary retainability within one day of the TEB application for the sole purpose of being able to transfer his benefits. He could not control the circumstances of his geographically separated assignment of which there were only two commissioned officers in the command that were either on temporary duty (TDY) or on leave at the time. The retainability/reenlistment was achieved within three days after the deadline lapsed. He asks, "Is there anything that can be done to show that the circumstances were out of my control?"

The applicant's response is at Exhibit E.

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. We note the applicant contends there were only two commissioned officers in the command, and they were either TDY or on leave, which prohibited the timely processing of his application for TEB. The applicant has not established a foundation for the Board to recommend granting the relief sought in the absence of any corroborating statements or evidence of the two officers' status during the 14-day window that prohibited them from assisting the applicant or that they were available but unable to sign the applicant's reenlistment forms in a timely manner. Therefore, the Board 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 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-2022-01448 in Executive Session on 9 August 2022:

Work-Product, Panel Chair

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Work-Product Panel Member
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All members voted against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 23 May 2022.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 15 June 2022.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 5 July 2022.
- Exhibit E: Applicant's Response, dated 8 July 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.

4/13/2025

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