

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

XXXXXXXXXX

**DOCKET NUMBER:** BC-2022-01598

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### 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 14 Oct 2011, the applicant reenlisted with the sole purpose of transferring benefits to his dependents. The applicant submitted the enlistment forms through the Military Personnel Flight (MPF). At the time of the application, the applicant was not assigned to traditional Air Force Units and did not have access to Air Force networks, education office, or resources to confirm his enrollment in TEB. The applicant notes that copies of the reenlistment forms can be found in his reenlistment folder; however, MilConnect still reflects his education benefits under the Montgomery G.I. Bill. Around the time the applicant submitted his application, he notes there was a common problem of mishandling TEB applications. On 7 Jun 22, while preparing to retire on 1 Dec 22, the applicant was advised by the base education office to submit an application to the Air Force Review Board Agency to make the correction. He is requesting the change so that he can transfer benefits to his dependents before he retires.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is an Air Force master sergeant (E-7).

On 16 Sep 11, according to AF Form 901, *Reenlistment Eligibility Annex to DD Form 4*, the applicant acknowledged in section IV. *Reenlistment Agreement*, block B. that the reenlistment was to obtain retainability for Post 9/11 GI Bill.

On 14 Oct 11, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant reenlisted for six (6) years.

On 1 Dec 22, according to Special Order XX-XXXX, dated 13 May 22, the applicant is projected to retire from the Regular Air Force with twenty-one (21) years and four (4) months.

### AIR FORCE EVALUATION

AFPC/DP3SA recommends denying the application. There is no evidence of an error or injustice on the part of the Air Force. In 2011, the applicant contends he submitted a TEB application through the local MPF. However, Defense Manpower Data Center (DMDC) shows no record the applicant submitted 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 5 Jul 22 for comment (Exhibit D), but has received no response.

The applicant's complete 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 the victim of an error or injustice. While the Board notes the recommendation of AFPC/DP3SA against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant's contentions. In this regard, the applicant reenlisted for the purpose of the TEB on 14 Oct 11, thus obtaining the four-year military service obligation required for transfer. Thereafter, he served four years on active duty, completed his obligation for transfer, and fulfilled his service commitment to the Air Force. As such, despite the applicant's failure to complete the TEB application, the Board finds that the applicant met the intent of the program by reenlisting for the purpose of the Post 9/11 GI Bill and fulfilling his military service obligation. 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 that on 14 Oct 11, he elected and was approved to transfer his Post-9/11 GI Bill Educational Benefits to his dependents with an obligation end date of 13 Oct 15.

## **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-2022-01598 in Executive Session on 16 Sep 22 and 11 Oct 22:

, Panel Chair  
, Panel Member  
, Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 9 Jun 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 5 Jul 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 12 Jul 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.

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