

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01702

XXXXXXXXXX

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 dependents and his Expiration Term of Service (ETS) of April 2024 be corrected to reflect his original ETS date of February 2023.

APPLICANT'S CONTENTIONS

He entered the Air Force Reserve from active duty in February 2019. He immediately routed his enlistment paperwork on myPers to transfer his education benefits. He submitted all required paperwork to transfer his benefits, along with acquiring 48 months retainability in the Air Force Reserves. There was an error in transferring his documents and due to the error, he was advised by the Total Force Service Center (TFSC) to extend his enlistment. Because of this, his new ETS is April 2024 rather than February 2023. He further states he has never had a break in service and has 48 months retainability. To avoid unnecessary hardship in his life, he seeks to reestablish his ETS to February 2023. This would allow him to fulfill his 4-year contract and allow the transfer of education benefits to remain in effect.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air Force Reserve technical sergeant (E-6).

On 8 March 2011, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant entered active duty.

On 16 February 2019, according to DD Form 214, the applicant was honorably discharged in the grade of technical sergeant. He served 7 years, 11 months and 9 days. His narrative reason for separation reflects "Completion of Required Active Service."

On 17 February 2019, the applicant transferred from active duty to the Air Force Reserve.

The applicant's Benefits for Education Administrative Services Tool (BEAST) History reflects he submitted a TEB request on 17 February 2019 with the Regular Air Force.

On 20 March 2019, AF Form 4406, *Post 9/11 GI Bill Transfer of Educational Benefits Statement of Understanding (SOU)*, the applicant acknowledged with the Active Duty Component, that he would incur a service obligation of 4 years and an Active Duty Service Commitment (ADSC) would be updated in his records. The Active Duty component date reflects 16 February 2023.

On 8 February 2020, AF Form 4406, the applicant acknowledged with the Reserve and Guard Components, that he would incur a service obligation of 4 years and a Selective Reserve Commitment (SRSC) would be updated in his records. The Reserve Component date reflects 16 January 2024.

On 2 November 2019, AF Form 1411, *Extension of Enlistment in the Air Force*, reflect the applicant extended for 12 months for the purpose of GI Bill or Continuation Pay. His date of separation (DOS) of 16 April 2023 was extended to 16 April 2024. His request was approved on 2 November 2019.

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

AIR FORCE EVALUATION

ARPC/DPAT recommends granting the application. The Benefits for Education Administrative Services Tool (BEAST) shows the applicant transitioned into the Selected Reserve effective 17 February 2019. The applicant's BEAST History also shows that he submitted a TEB request on 17 February 2019 with Air Force active duty in the Affiliation section. This incorrect information was due to a system lag in updating his status to Selected Reserve and not an error on the part of the applicant. If the TEB request had been accepted, the applicant's ETS date would have remained February 2023 as he had already met his service obligation. The applicant also met all DODI 1341.13 eligibility requirements upon 2019 TEB submission. However, in November 2019, AFPC requested the applicant sign a corrected Statement of Understanding (SOU) showing him as part of the Selected Reserve, which extended his current enlistment for a period of 4 years and gave him the ETS of 16 April 2024.

Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice because upon original TEB submission, the applicant's component was Selected Reserve, and the applicant met all DODI eligibility requirements and did not require retainability if TEB was approved. There is documentation of a BEAST delay in the changing of his active duty Affiliation to the Reserve component. Also, there is record of conflicting advisement from Regular Air Force and Reserve TEB technicians regarding TEB approval status resulting in the applicant extending ETS for an additional 12 months for purpose of fulling the new 2020 TEB application retainability requirement.

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 26 August 2022 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 the victim of an error or injustice. The Board concurs with the rationale and recommendation of ARPC/DPAT and finds a preponderance of the evidence substantiates the applicant's 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 that on 17 February 2019, his application to transfer his Post-9/11 GI Bill Educational Benefits to his eligible dependents was approved with a service obligation end date of 16 February 2023.

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-2022-01702 in Executive Session on 8 November 2022:

, 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 15 May 2022.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory opinion, ARPC/DPAT, w/atchs, dated 9 August 2022.
Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 26 August 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.

X

Board Operations Manager, AFBCMR