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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02086

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COUNSEL: Work-Product

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His 9 Sep 16 application for the Post-9/11 GI Bill Transfer of Education Benefits (TEB) to his eligible dependents be approved.

APPLICANT'S CONTENTIONS

On 9 Sep 16, he requested TEB and started the process for his reenlistment to secure the required retainability. He finalized his reenlistment on 30 Sep 16 and was told the system in which to input his documents was down and it was taking longer to input the documentation. From his understanding at the time, he could not sign the Statement of Understanding (SOU) until all the documents have been updated through the Air Force Personnel Center (AFPC). He was TDY at the end of Oct 16 and had limited access to a computer during that time. In Nov 16, he received an email stating that he needed to sign the SOU which he then accomplished. He never received notification that his TEB had been declined. He just found out recently that it had been declined when his spouse applied to use it. He would like to have the ability to use his benefit for both his spouse and dependent child.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force technical sergeant (E-6).

On 27 Mar 15, according to Defense Management Data Center (DMDC) records, the applicant applied for TEB.

On 12 May 15, 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 9 Sep 16, according to Defense Management Data Center (DMDC) records, applicant applied for TEB.

On 15 Sep 16, the applicant signed AF Form 901, *Reenlistment Eligibility Annex to DD Form 4*, which shows that the applicant requested to reenlist to qualify for transferability of the Post 9/11 GI Bill.

On 30 Sep 16, according to DD Form 4, *Enlistment/Reenlistment Document, Armed Forces of the United States*, the applicant reenlisted for a period of 5 years and 7 months establishing a date of separation (DOS) of 29 Apr 22.

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On 27 Sep 16 and 7 Oct 16, according to a DMDC incident log provided by AFPC/DP3SA, dated 8 Aug 21, courtesy emails were sent to the applicant regarding his TEB request via his military Email ending in us.af.mil.

On 12 Oct 16, according to DMDC records, applicant's application rejected due to failure to complete SOU within the required timeframe.

On 3 Nov 16, according to DMDC records, the applicant submitted the SOU.

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)2016-01, *Air Force Voluntary Education Program*:

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 application. 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. In accordance with AFI 36-2649_AFGM2016-01, 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's TEB application was rejected because he failed to complete and submit the required SOU within the required period. Examination of the records indicate an Initial Notification of application receipt, with instructions, was sent on 9 Sep 16 followed by two reminder notifications. These notifications were sent to the applicant's Air Force email address on file, and as noted in his request. Although the applicant reapplied for TEB

on 22 Jun 22, he is ineligible as he is unable to secure the required retainability due to his High Year of Tenure (HYT) date of 2 Jun 26.

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 1 Sep 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 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 applied to transfer his education benefits on 9 Sep 16 and reenlisted for the purpose of the TEB on 30 Sep 16, 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 sign the SOU, the Board finds that the applicant met the intent of the program and his failure to sign the SOU should be regarded as a procedural defect only and not as evidence of an intent to abandon the transfer request. 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 30 Sep 16, he elected and was approved to transfer his Post-9/11 GI Bill Educational Benefits to his dependents with an obligation end date of 29 Sep 20.

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-2022-02086 in Executive Session on 11 Oct 22:

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

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 11 Aug 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 31 Aug 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 1 Sep 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.

7/2/2025



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Board Operations Manager, AFBCMR

Signed by: USAF

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