



UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02145

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

He be allowed to transfer his Post-9/11 GI Bill education benefits (TEB) to his eligible dependents.

APPLICANT'S CONTENTIONS

While in service, he transferred all his education benefits to his dependents in eBenefits and verified the transfer was successful on multiple occasions prior to his retirement. He recently attempted to use the education benefits for one of his dependents and discovered the information regarding the transfer was missing. He contacted ARPC and was informed that in Oct 18, he was notified via myPers that he needed to acquire retainability and sign a statement of understanding (SOU). However, in Apr 18, he transferred to the retired reserve, so he never received the notification.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force Reserve technical sergeant (E-6) awaiting retired pay at age 60.

On 1 Mar 18, according to Special Order *Work-Product* dated 6 Feb 18, the applicant was assigned to the Retire Reserve.

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

AIR FORCE EVALUATION

Itinerary

HQ ARPC/DPAT recommends denying the application. On 20 Feb 18, according to the Benefits for Education Administrative Services Tool (BEAST), the applicant submitted an application to transfer education benefits to his dependents. However, on 1 Mar 18, the applicant transferred to the Retired Reserves. On 28 Sep 18, the applicant was sent a reminder that four (4) years of additional service and a signed statement of understanding (SOU) were required to successfully transfer education benefits to his dependents. On 26 Oct 18, the applicant was notified that his request was rejected because he did not secure the additional service. Based on the documentation

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Controlled by: SAF/MRB

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Limited Dissemination Control: N/A

POC: SAF.MRBC.Workflow@us.af.mil

provided by the applicant and analysis of the facts, there is no evidence of error or injustice on the part of the Air Force because the applicant transferred to the Retired Reserve within the application window and was no longer eligible to request a transfer of 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 Sep 22 for comment (Exhibit D) but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed. The applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Air Force Instruction 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find the assertion supported by a preponderance of the evidence.
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 ARPC/DPAT and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board found the applicant transferred to the Retired Reserve during the application window and was no longer eligible to transfer education benefits to his dependent. 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 application was not timely filed; it would not be in the interest of justice to excuse the delay; 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-2022-02145 in Executive Session on 10 Jan 23:

Work-Product, Panel Chair
 Work-Product, Panel Member
 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 14 Jul 22.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory Opinion, HQ ARPC/DPAT, w/atchs, dated 30 Sep 22.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 6 Oct 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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Board Operations Manager, AFBCMR

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