

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02362

XXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

While on active duty, she switched her Montgomery GI Bill (MGIB) to the Post-9/11 GI Bill. Her dependent was in middle school at the time, and she was briefed that she would only be required to submit paperwork to the college of her dependents choice when they were ready to use the benefit. On 8 Aug 22, when her dependent arrived at school, she retrieved a copy of her Post 9/11 GI Bill eligibility and contacted the Department of Veteran Affairs to verify her dependents eligibility. She was informed that her dependent was not eligible to receive education benefits, because she did not transfer the benefit while on active duty. She is requesting to transfer the remaining seven (7) months and twenty-six (26) days of education benefits to her dependent, because she received misinformation during the early roll out of the TEB program.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 1 Jan 20, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant retired from active service with twenty (20) years, two (2) months, and eleven (11) days.

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. Based on documentation provided by the applicant and analysis of the facts, there is no evidence of error or injustice on the part of the Air Force. The applicant converted the MGIB to the Post-/911 GI Bill while on active duty. However, Defense Manpower Data Center shows no record the applicant applied for TEB. Without a request, eligibility for the program could not be established, as DoD Instruction 1341.13, *Post-9/11 GI Bill* (Enclosure 3, 3.a.) and AFI 36-2649, *Voluntary Education Program* (A13.18.9.3.), cite the date of request as the date on which the appropriate service obligation would be applied. In accordance with AFI 36-2649, A13.18.7.1., A13.18.9. and A13.20.1.3., all requests for TEB must be submitted via the DMDC TEB web application while on active duty.

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 11 Oct 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 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. The board found no evidence the applicant applied to transfer education benefits to her dependents while on active duty. 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-2022-02362 in Executive Session on 10 Jan 23:

, Panel Chair
, Panel Member
, Panel Member

All members voted against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atch, dated 11 Aug 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atch, dated 13 Sep 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 11 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.

X

Board Operations Manager, AFBCMR