

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02553

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.

APPLICANT'S CONTENTIONS

Prior to the Post 9-11 GI Bill, he paid into the legacy Montgomery GI Bill program to be used for an advanced academic degree. After being hired into his civilian employment, he no longer needed the Montgomery GI Bill benefit and tried to convert to the Post 9-11 GI Bill for his dependents. He was not able to transfer his benefits when joining the Air Force Reserves or when he was within two years of retirement. He is requesting that his circumstances be considered and that he is allowed to move forward with retirement without jeopardizing his benefits.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air Force Reserve lieutenant colonel (O-5).

On 30 March 1999, according to DD Form 4, *Enlistment/Reenlistment Document Armed Forces of the United States*, the applicant enlisted in the Air Force Reserve.

On 18 August 1999, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant entered active duty.

The applicant's Benefits for Education Administrative Services Tool (BEAST) History reflects he submitted a TEB request on 18 May 2017 with the Regular Air Force and the application was rejected on 19 June 2017 due to the applicant not committing to the required additional service time.

On 16 March 2018, the applicant was honorably discharged in the grade of lieutenant colonel. He served 18 years, 6 months and 29 days of active service and transferred to the Air Force Reserve. His narrative reason for separation reflects "Completion of Required Active Service."

ARPC IMT 92, *Appointment Order*, (XXX) dated 27 March 2018, reflects the applicant's date of appointment and assignment as 17 March 2018. The appointment was approved by the Secretary of Defense (SecDef) on 12 June 2017.

On 14 January 2021, according to AF Form 4406, *Post 9/11 GI Bill Transfer of Educational Benefits Statement of Understanding (SOU)*, the applicant acknowledged with the Reserve and Guard Components, that he would incur a service obligation of 4 years and a Selected Reserve

Service Commitment (SRSC) would be updated in his records. The Reserve Component date reflects 5 January 2025.

According to a Retrieval Applications Website (RAW) Surf, the applicant's Mandatory Separation Date (MSD) reflects 1 July 2027.

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 denying the application. The BEAST Service Member History indicates the applicant submitted a TEB request as active duty on 18 May 2017. On 19 May 2017, the applicant inquired via myPers on the process to apply for a waiver to the four-year commitment, as he would be separating and transitioning to Palace Chase to the Air Force Reserve. The request was rejected on 19 June 2017, because the applicant had not signed the SOU agreement within the 30-day suspense date. On 28 June 2017, an active duty technician responded to the applicant stating if his TEB was approved before transiting components, his Active Duty Service Commitment would be accepted by the Reserves, if there was no break in military service. The option to apply for TEB after joining the Reserves, if the application was not approved as active duty, was also given to the applicant. The applicant separated from the Regular Air Force on 16 March 2018. BEAST indicates the applicant successfully transferred TEB to his dependents on 6 January 2021, incurring a service commitment with an obligation period expiring on 5 January 2025. In ARMS, the applicant signed an SOU agreeing to the obligation end date. Additionally, the applicant's Mandatory Separation Date is 1 July 2027, in which the applicant can successfully fulfill his MSO if he does not apply for retirement.

Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice due to lack of supporting document justifying erroneous counsel and that the member can fulfill the MSO that was agreed upon, as retirement has not been initiated.

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 25 October 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 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. Therefore, the Board recommends against correcting the applicant's records.

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-2022-02553 in Executive Session on 6 December 2022.

, 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/atchs, dated 15 September 2022.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory Opinion, ARPC/DPAT, w/atchs, dated 14 October 2022.
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 25 October 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.

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Board Operations Manager, AFBCMR