

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02559

XXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: YES

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

He will be retiring within a year with 22 years of service. He learned of the TEB policy in July 2022 stating any member over the 16-year mark is ineligible to transfer education benefits. This policy change came out in July 2019, when he was already past the 16-year mark. He was never briefed on timelines or deadlines to transfer benefits before his 16-year mark; nor was he informed of TEB policy changes.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air Force master sergeant (E-7).

On 4 December 2001, the applicant signed DD Form 2366, *Montgomery GI Bill Act of 1984 (MGIB)*, (Chapter 30, Title 38, U.S. Code).

According to the Benefits for Education Administrative Services Tool (BEAST), the applicant elected to transfer his Post 9/11 GI Bill benefits to his dependents on 27 July 2022. The request was denied on 3 August 2022 due to the applicant not committing to the required additional service time.

According to the Military Personnel Data System (MilPDS), the applicant's High Year Tenure (HYT) date is 20 November 2023.

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. The Defense Manpower Data Center (DMDC) records show the applicant applied for TEB on 27 July 2022 and his request was rejected because he could not secure the required retainability due to his HYT. In accordance with DAFI 36-2670_AFGM2020-03, Total Force Development (6.11.15.1.1.1. and 6.11.15.1.1.2.), members must secure and agree to serve four additional years from the date of election. Additionally, members must not be precluded by policy or statute from serving the required additional service. myPers targeted messages reflect the applicant was informed of his TEB eligibility on 4 June 2017, when he reached 15 years and 6 months in service. Furthermore,

the 16-year restriction on TEB was rescinded due to the FY20 NDAA. Nevertheless, myPers reflects the applicant was informed of the pending TEB policy changes on 12 May 2019, 12 June 2019, 17 June 2019, and 1 July 2019.

Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice on the part of the Air Force. The applicant is ineligible for TEB due to his HYT. Additionally, he did not request TEB prior to the then scheduled policy change.

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 17 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 AFPC/DP3SA and finds a preponderance of the evidence does not substantiate the applicant’s contentions. 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-2022-02559 in Executive Session on 10 January 2023:

- , 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 13 September 2022.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 11 October 2022.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 17 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.

X

Board Operations Manager, AFBCMR