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## UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02627

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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 was unable to transfer his benefits due to duty location and a lack of military personnel support. The lack of traditional MPF and AFPC support offices at his last duty location for over six years precluded his ability to receive sufficient education regarding the TEB process.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a retired Air Force major (O-4).

On 15 April 1991, according to DD Form 4, the applicant enlisted in the Air Force in the pay grade of airman first class (E-3).

On 30 January 2001, the applicant signed DD Form 2366, *Montgomery GI Bill Act of 1984 (MGIB)*, (Chapter 30, Title 38, U.S. Code), acknowledging he was not eligible for the MGIB since he had a prior enlistment.

According to Special Orders No. **Work-Product** dated 5 September 2014, the applicant was relieved from active duty and retired effective 1 March 2015 in the grade of major. He served 23 years, 10 months, and 16 days total active service for retirement.

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

### APPLICABLE AUTHORITY/GUIDANCE

**Directive-Type Memorandum (DTM) 09-003: Post 9/11 GI Bill**, Attachment 2, paragraph 3.a : Eligible Individuals. Any member of the Armed Forces on or after August 1, 2009, who, at the time of the approval of the individual's request to transfer entitlement

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to education assistance under this section, is eligible for the Post-9/11 GI Bill, and(3)(a) For those individuals eligible for retirement on 1 August 2009, no additional service is required.

**AFI 36-2306, *Voluntary Education Program***, dated 13 August 2010, Attachment 9. A9.18. Transferability of unused benefits to dependents. A9.18.7. Time for Transfer, Revocation, and Modification. A9.18.7.1. Time for Transfer. A member approved to transfer entitlement to educational assistance under this section may transfer such entitlement only while serving as a member of the Armed Forces when the transfer is executed.

A9.18.9. Transfer of Benefits Procedures. All requests and transactions will be completed through the TEB Web application at <https://www.dmdc.osd.mil/TEB/>. Airmen are responsible for correcting inaccurate information. Airmen may request certification of Post-9/11 GI Bill eligibility from the DVA's website prior to requesting to transfer of benefits.

A9.18.9.3. Once certifying officials have approved a request to transfer benefits, Airmen may print a hard copy of the certified TEB request for their personal records. Additional service commitments will be recorded in the appropriate personnel system(s). Additional service commitments resulting from transferring unused Post-9/11 GI Bill benefits begin on the date of request and are served concurrent with any other additional service commitment in effect at the time of the transfer or incurred at any time after the request to transfer benefits. Transfer of Post-9/11 GI Bill benefits, in and of itself, will not limit any other reenlistment option or incentive to which a member may be eligible.

A9.20. AFPC/DPS Specific Procedures (Active Duty) – Transfer of Benefits Option Responsibilities: A9.20.1. MEMBERS MUST: A9.20.1.3. Apply for this option through DMDC's (TEB) website (<https://www.dmdc.osd.mil/TEB/>).

## AIR FORCE EVALUATION

AFPC/DP3SA recommends denying the application. The Defense Manpower Data Center (DMDC) shows no record the applicant applied for TEB. Without a request, eligibility for the program could not be established, as AFI 36-2306 AFGM1, *The Education Services Program* [18.a.(2)] and Directive-Type Memorandum (DTM) 09-003: *Post-9/11 GI Bill*, Attachment 2 [3.a.(1)], cite the date of request as the date on which the appropriate service obligation would be applied. In accordance with DTM 09-003, Attachment 2 (3.i.), all requests for TEB must be submitted via the DMDC TEB web application while serving as a member of the Armed Forces.

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. DMDC shows no record the applicant applied for TEB.

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 10 November 2022 for comment (Exhibit D) but has received no response.

## FINDINGS AND CONCLUSION

1. The application was not timely filed. The Board also notes 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. The Board does not find it in the interest of justice to waive the three-year filing requirement.
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 finds no evidence of an injustice or error in the applicant's discharge to warrant granting relief. 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 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-2022-02627 in Executive Session on 7 February 2023:

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Panel Chair

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Panel Member

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Panel Member

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

Exhibit A: Application, DD Form 149, dated 14 September 2022.

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

Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atch, dated 24 October 2022.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 10 November 2022.

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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.

8/28/2025

X

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Associate Director, AFBCMR

Signed by: USAF

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