

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-02694

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

His TEB awarded on 3 June 2019 was revoked in late 2020 while serving the Air Force in a civilian status OCONUS (XXX). He was unable to return to the states to serve on Reserve duty because of COVID-19 Travel Restrictions and Restriction of Movement (ROM) requirements per U.S. Forces XXX. In contact with his Reserve unit, he was advised that transitioning to the Individual Ready Reserve (IRR) would be the best option for his enlistment until the ongoing pandemic, (ROM) requirements, Travel Restrictions, and travel availability in and out of XXX could be rescinded or alleviated. He returned to the states in March 2021 and continued to serve the Reserves per his contract Expiration Term of Service (ETS) of 4 April 2023, required when TEB was awarded. He completed good years of creditable service per AFI 36-3203 paragraph 3.1.2 and AFMAN 36-2136, *Reserve Personnel Participation*, paragraph 2.3.2 for years 2019, 2020, 2021 and 2022 during the pandemic. He has since extended his ETS to 4 June 2024 and has completed 19 years of continuous creditable service in the Air Force.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

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

On 24 June 2003, according to DD Form 4, *Enlistment/Reenlistment Document Armed Forces of the United States*, the applicant enlisted in the Air Force for a period of four years in the pay grade of E-1. He continued to reenlist contracting his last enlistment on 5 December 2015.

On 20 March 2019, according to the Benefits for Education Administrative Services Tool (BEAST) history, the applicant elected to transfer his benefits to his dependents incurring a Military Service Obligation (MSO) of 19 March 2023. His request was rejected on 17 December 2020 due to him not being on active duty or participating in the Selected Reserve (SELRES).

On 19 June 2019, AF Form 1411, *Extension of Enlistment in the Air Force*, reflect the applicant extended for 16 months for the purpose of GI Bill – Post 9/11. His date of separation (DOS) of 4 December 2021 was extended to 4 April 2023. His request was approved on 1 July 2019.

On 2 July 2019, 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 Selective Reserve Service Commitment (SRSC) would be updated in his records. The Reserve Component date reflects 19 March 2023.

On 13 September 2022, according to the BEAST history, the applicant reapplied and elected to transfer his benefits to his dependents. His request was rejected on 28 October 2022 due to not committing to the required additional service time.

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 applicant's March 2019 TEB request was rejected on 17 December 2020 due to transitioning into the IRR, thus, nullifying his TEB. On 15 December 2020, a MyPers email response from the applicant notated that he was accepted to a civilian job in XXX. BEAST shows that the applicant reapplied and elected to transfer benefits to his dependents as Selected Reserve on 13 September 2022, however, TEB was rejected due to the applicant not committing to the required additional service time within a 30-day set time frame.

Additionally, exemption of COVID-19 related matters is not reflected in *DODI 1341.13* as an exception to policy. The applicant is eligible to apply for TEB, and at the time of that application will incur a new four-year service obligation.

For purposes of TEB eligibility, *DODI 1341.13 (31 May 2013), Enclosure 3, Incorporating Change 1, July 12, 2018*, defines a "Service member" as: "an individual serving on active duty or in the Selected Reserve. Does not include other members of the Ready Reserve (such as the Individual Ready Reserve, standby Reserve, or retired Service members, unless they are serving on active duty.)"

Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice since the applicant transitioned to the IRR before his original MSO was fulfilled, thus, no longer classified as Selected Reserve per DODI law. In addition, the applicant signed SOU agreement acknowledging that he understood that transferred of benefits may be lost if he did not complete the entire required service obligation.

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 5 December 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.
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-2022-02694 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 4 October 2022.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Advisory Opinion, ARPC/DPAT, w/atchs, dated 28 November 2022.  
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 5 December 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**

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Board Operations Manager, AFBCMR