



CUI//SP-MIL/SP-PRVCY

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2022-03157

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 dependent.

APPLICANT'S CONTENTIONS

He was not counseled on the requirement to roll over earned GI Bill benefits at the time of retirement. His daughter has worked so hard through school that she deserves the financial support to pursue a higher education.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force senior master sergeant (E-8).

On 1 March 2000, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant entered active duty. On 30 April 2010, the applicant received an honorable character of service in the grade of senior master sergeant. He served 10 years and 2 months of total active service and credited with 9 years, 10 months, and 25 days of prior active service. Type of Separation reflects "Retirement" and Narrative Reason for Separation reflects "Vol Retirement Sufficient Service for Retirement."

On 30 April 2010, according to Special Order No. *Work-Product* the applicant was relieved from active duty and retired effective 1 May 2010 in the grade of senior master sergeant. He served 23 years and 15 days of service for basic pay and 20 years and 25 days active service for retirement.

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

AIR FORCE EVALUATION

NGB/A1Y recommends granting the application. The applicant voluntarily retired from the armed forces effective 30 April 2010, after 23 years of military service. In accordance with DoDI 1341.13, dated 12 July 2018, Enclosure 3, paragraph 3a.(3)(a)., "*For individuals eligible for retirement on August 1, 2009, no additional service is required.*" The applicant was retirement eligible in 2008; therefore, he would not incur any additional service commitment. The applicant stated that he was not properly counseled on the process of transferring his Post 9/11 TEB to his dependents during his retirement out-processing. Due to the program infancy, proper counseling procedures were not fully developed across the entire ANG; therefore, it is entirely possible that

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he was not provided accurate TEB information. Based on the documentation provided by the applicant and analysis of the facts, there is enough evidence to approve the request.

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 14 June 2023 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 the victim of an error or injustice. The Board concurs with the rationale and recommendation of NGB/A1Y and finds a preponderance of the evidence substantiates the applicant's contentions. Therefore, the Board recommends correcting the applicant's records as indicated below.
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 pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show on 29 April 2010, he elected and was approved to transfer his Post-9/11 GI Bill Educational Benefits to his eligible dependents, with no additional service required.

CERTIFICATION

The following quorum of the Board, as defined in Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2022-03157 in Executive Session on 15 August 2023:

 Panel Chair
Work-Product, Panel Member
Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 2 December 2022.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/A1Y, dated 19 May 2023.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 14 June 2023.

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Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.



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