



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

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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER: BC-2022-03239**

**COUNSEL: NONE**

**HEARING REQUESTED: NO**

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**APPLICANT'S REQUEST**

He be allowed to transfer his Post-9/11 GI Bill education benefits (TEB) to his eligible dependents.

**APPLICANT'S CONTENTIONS**

In May 86, the applicant joined the Air Force and enrolled in the Montgomery GI Bill. In 2011, during a retirement briefing he was informed of the option to transfer education benefits to his dependents. However, the applicant was not briefed of the requirement to transfer one month of benefits to his dependents prior to retirement. The applicant contends he was miscounseled during the retirement benefits briefing, and after twenty-five year of service he doesn't believe that he should lose this benefit for his dependents because of his lack of awareness.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

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

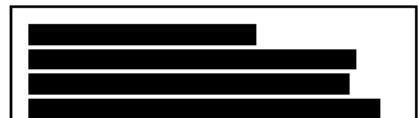
On 14 May 86, according to DD Form 2366, *Veterans Educational Assistance Act of 1984 (GI Bill)*, the applicant enrolled in the Montgomery GI Bill.

On 1 Jul 11, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant separated from active service after twenty-five (25) years, two (2) months, and eight (8) days.

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

**APPLICABLE AUTHORITY**

In accordance with Directive-Type Memorandum (DTM) 09-003, dated 22 Jun 09 DoD Instruction 1341.3, Post-9/11 GI Bill Program, dated 31 May 13, members are eligible to transfer benefits if their service to the Armed Forces was on or after 1 Aug 09. If that member became retirement eligible during the period from 1 August 2009, through 31 July 2012 and agreed to serve the additional period, if any, specified in the following subparagraphs before 1 August 2013 (the date



that this subparagraph became no longer in effect), then that member was considered to have an approved transfer provided they fulfilled their service commitment:

- For individuals eligible for retirement on 1 August 2009, no additional service is required.

## **AIR FORCE EVALUATION**

AFPC/DP3SA recommends denying the application. The applicant contends that he was informed during his retirement briefing that he would be able to transfer education benefits to his dependents; however, he was not informed of the requirement to transfer one month of benefits prior to retirement. Based on documentation provided by the applicant and analysis of the facts, there is no error or injustice on the part of the Air Force, because the Defense Manpower Data Center 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 18 Jan 23 for comment (Exhibit D), but has received no response.

## **FINDINGS AND CONCLUSION**

1. The application was not timely filed. The Board 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 it in the interest of justice to waive the three-year filing requirement.
2. The applicant did not exhaust 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 found no evidence the applicant transferred education benefits to his dependents prior to his retirement. Therefore, the Board recommends against correcting the applicant's records.

## **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-2022-03239 in Executive Session on 11 Apr 23:

### 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 12 Dec 22.

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

Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 13 Jan 23.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 18 Jan 23.

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

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1. **What is the primary purpose of the study?**

1