



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

**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-03245

Work-Product

**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 retired from teaching at the USAF Academy on 31 August 2009. During the Transition Assistance Program (TAP), the education office explained the new benefit was available effective 1 August 2009. However, he was not told that he had to apply for the benefits before retirement. He was unable to complete the application online due to the website not being functional. He further states, he has served his country for over 20 years.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is a retired Air Force lieutenant colonel (O-5).

On 31 May 1989, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant entered active duty.

On 9 August 1989, the applicant signed DD Form 2366, *Veterans' Educational Assistance Act of 1984 (New GI Bill)*, (Chapter 30, Title 38, U.S. Code).

On 31 August 2009, according to Special Order Nos. [Work-Product] the applicant was relieved from active duty and retired effective 1 September 2009, in the grade of lieutenant colonel. He served 20 years and 3 months of 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**

In accordance with DODI, 1341.13, *Post-9/11 GI Bill*, no additional service commitment was required for individuals eligible for retirement on or before 1 August 2009.

Based on the applicant's retirement date of 1 September 2009 and given that he had more than 20 years of service, the applicant would have been eligible for retirement prior to 1 August 2009 and therefore would have incurred no additional service commitment with the transfer of benefits.

### **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.g.(1) and 3.i.], all requests for TEB must be submitted via the DMDC TEB web application while on active duty.

We have considered the entire record, including the applicant's submissions and all pertinent materials. 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 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 January 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 the victim of an error or injustice. While the Board notes the recommendation of AFPC/DP3SA against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant's contentions. The Board notes that during the contested time, the Post-9/11 GI Bill TEB program was still being introduced and a lot of confusion surrounded the procedures for executing a transfer of benefits. In this regard, given the applicant had more than 20 years of satisfactory service prior to 1 August 2009 and would have incurred no additional service commitment for the transfer of benefits, the Board concludes a preponderance of the evidence substantiates his 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 he was approved for Transfer of Education Benefits on 31 August 2009, with no additional service obligation.

Work-Product

Work-Product

**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-2022-03245 in Executive Session on 7 March 2023:

- Work-Product, Panel Chair
- Work-Product, Panel Member
- Work-Product, Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 1 December 2022.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atrch, dated 13 January 2023.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 18 January 2023.

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.

8/26/2025

X Work-Product

---

Board Operations Manager, AFBCMR

Signed by: Work-Product