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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-03276

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COUNSEL: NONE

HEARING REQUESTED: YES

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 Mar 10, while assigned to Bolling AFB, DC, the applicant applied for TEB at the Wing Education Office and completed the paperwork for the required Active Duty Service Commitment (ADSC). In May 11, the applicant transferred to Norfolk Navy Base, and in Jul 15, he retired from active service. In Aug 22, he contacted the Veterans Administration (VA) to access his education benefits for his dependents and discovered that there was no record of an approved TEB application. The applicant contacted the Air Force Personnel Center, and discovered significant gaps within his record while he was stationed at Bolling AFB. The applicant found eight items associated with ADSCs were missing from his record. The applicant contacted the Education Office at Joint Base Anacostia-Bolling, and Joint Base Langley-Eustis, and was informed that neither office has any record of the TEB application or the ADSC paperwork.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 30 Jun 15, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant retired with twenty years, and ten days of active service.

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

AIR FORCE EVALUATION

AFPC/DP3SA recommends denying the applicants request to transfer education benefits to his dependent children. Based on documentation provided by the applicant and analysis of the facts, there is no evidence of error or injustice on the part of the Air Force. The applicant contends, in Mar 10, he applied for TEB. According to the Defense Manpower Data Center (DMDC) there is 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

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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.

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 31 Mar 23 for comment (Exhibit D), and the applicant replied on 23 Apr 23. In his response, the applicant contended that he applied for TEB prior to the publishing of the TEB website. While stationed at Bolling AFB, he went to the education office, applied for TEB and completed an ADSC form for a period of four years from Mar 2010 through Apr 2014; however, the paperwork along with other pertinent ADSC documents over a seven year period are missing from his records. In this regard, the applicant argues that while there is no evidence of his completed application, there is evidence that the Air Force has failed to retain his records from his time at Bolling AFB. In addition, there is evidence that AFI 36-2306, which was published in 2000 had not been updated with the relevant website identified in DTM-09-003. Therefore, the applicant believes that granting relief would demonstrate application of reason and compliance with the intention of DTM 09-003.

The applicant's complete response is at Exhibit E.

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 AFPC/DP3SA and finds a preponderance of the evidence does not substantiate the applicant's contentions. In this regard, the applicant has not provided any documentation that indicates he submitted a request for TEB and without evidence, the Board has no justification to support granting the relief sought. Therefore, the board recommends against correcting the applicant's records. 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 Department of the 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 and finds the application untimely.
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 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-2022-03276 in Executive Session on 12 Sep 23:

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

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 11 Dec 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 15 Mar 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 31 Mar 23.
- Exhibit E: Applicant’s Response, dated 23 Apr 23.

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.

8/28/2024

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