



UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-00799

Work-Product

COUNSEL: *Work-Product*

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His retirement condition be changed from "Best Interest of the Air Force" to "Hardship", and he be allowed to transfer his Post-9/11 GI Bill education benefits (TEB) to his eligible dependents.

APPLICANT'S CONTENTIONS

On 16 Apr 10, the applicant extended his enlistment to 15 Nov 14. On 10 Nov 10, he applied and was approved for TEB. In Jul 13, the applicant extended his enlistment to 15 Jul 15 to apply for a humanitarian assignment to take care of his father who became ill and required extensive care. However, the humanitarian assignment was disapproved and the applicant was advised to submit a retirement application. On 13 Sep 13, after confirming with the Veterans Affairs (VA) office that his education benefits would still be available for his dependents, he submitted an application for retirement based on hardship. On 6 Nov 13, the applicant received his retirement orders with an approved retirement date of 1 Aug 14. The applicant assumed his retirement was approved for Hardship and the Active Duty Service Commitment (ADSC) for TEB was waived. The applicant retired from active service three (3) months and eight (8) days prior to the completion of his ADSC. On 23 Feb 22, he discovered his dependents were not eligible for TEB while registering them for college. He then learned that they were ineligible for TEB because the retirement condition of his approval was based on the "Best interest of the Air Force" instead of "Hardship." As such, he requests the retirement condition be changed so that his dependents can become eligible for TEB.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force master sergeant (E-7).

On 10 Nov 10, according to Post 9/11 G.I. Bill Transfer of Educational Benefits Statement of Understanding, the applicant acknowledged to transfer education benefits to his dependents and incurred a four year ADSC to 9 Nov 14.

On 13 Sep 13, the applicant submitted his retirement application for a 1 Aug 14 date of retirement and requested a waiver of his ADSC for the reason of "Hardship."

On 25 Sep 13, the applicant's commander coordinated on the retirement application and indicated "Yes" for recommending approval of the applicant's waiver request. As justification the

applicant's commander stated, "I concur with the requested waiver. [The applicant's] family situation makes it in the member and Air Force's best interest to approve the waiver and retirement request. [The applicant] is a dedicated professional and will be missed, but it is in our best interest."

On 31 Jul 14, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant retired with twenty (20) years, eight (8) months, and eighteen (18) days of active service. Bock 28, *Narrative Reason for Separation*, states "Voluntary Retirement: Sufficient Service for Retirement."

On 31 Jul 14, according to Special Order **Work-Product** dated 6 Nov 13, the applicant was relieved from Active Service, and retired effective 1 Aug 14.

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

APPLICABLE AUTHORITY/GUIDANCE

The most recent version of DoDI 1341.13, Post-9/11 GI Bill, Incorporating Change 1, dated 12 Jul 18, clarifies the reasons that a member may retain their benefits even though they failed to complete their service obligation, provided they had an approved transfer and/or were not precluded from agreeing to a four-year service obligation at the time of their approval. According to Enclosure 3, Paragraph 3, sub-paragraph 2c one of those reasons includes member who are discharged or released from active duty or the Selected Reserve for hardship with an honorable discharge, as determined by the Secretary concerned.

AIR FORCE EVALUATION

AFPC/DP3SA recommends denying the application. The applicant is requesting his retirement waiver condition changed from "Best Interest in the Air Force" to "Hardship". On 10 Nov 10, the applicant applied and was approved for TEB with an ADSC to 9 Nov 14. The applicant's father became ill and required extensive care. After being denied for a Humanitarian assignment, the applicant was advised to apply for retirement based on a hardship. The applicant consulted with the VA and was advised that his retirement for hardship would not affect his ability to TEB to his dependents. On 13 Sep 13, the applicant submitted a retirement application for hardship, and requested to waive the ADSC associated with TEB. The applicant was disapproved for a hardship retirement, however, he was approved for voluntary retirement with an effective date of 1 Aug 14. According to AFI 36-3203, *Service Retirements*, dated 8 September 2006, Section 2C, paragraph 2.18.2, a hardship situation cannot be common to other military members in the course of a military career. There is no evidence of an error or injustice because the applicant did not provide evidence to show that he was experiencing a hardship uncommon to other service members during the retirement process.

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 4 May 22 for comment (Exhibit D), but has received no response.

FINDINGS AND CONCLUSION

1. The application was not 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 in part. Specifically, the board notes on 25 Sep 13, the applicant's commander approved the retirement application for the purpose of "Hardship," which would have waived his ADSC, but allowed him to retain his TEB. While his retirement may have been ultimately disapproved for the reason of "Hardship," the Board finds it reasonable to assume the applicant was not informed otherwise. Furthermore, the Board notes the applicant only had a little more than three months of his four-year ADSC remaining and had he known he would not retain his TEB, the Board finds it more likely than not that he would have remained in the service to fulfill his service obligation. However, while the applicant requests that his retirement condition be changed from "Best Interest of the Air Force" to "Hardship", the Board finds that the reason is appropriate, but finds sufficient evidence to justify granting the applicant's request for him to retain his TEB by changing the date he requested transfer to 1 Jul 10. This in turn will allow the applicant's records to show that he completed his four-year ADSC prior to his retirement and retain his TEB. However, for the remainder of the applicant's request, the evidence presented did not demonstrate an error or injustice, and the Board therefore finds no basis to recommend granting that portion of the applicant's request. Therefore, the Board recommends correcting the applicant's records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that on 1 July 2010, he transferred his Post-9/11 GI Bill Education Benefits to his eligible dependents and completed his military service obligation for the approved transfer on 30 June 2014.

However, regarding the remainder of the applicant's request, the Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the application will only be reconsidered upon receipt of relevant evidence not already considered by the Board.

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-2022-00799 in Executive Session on 12 Jul 22:

AFBCMR Docket Number BC-2022-00799

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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 Mar 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 3 May 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 4 May 22.

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.

8/4/2025

X Work-Product

Board Operations Manager, AFBCMR

Signed by: Work-Product

AFBCMR Docket Number BC-2022-00799

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