



UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02206

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

He be allowed to transfer his Post-9/11 GI Bill Transfer of Education Benefits (TEB) to his dependents.

APPLICANT'S CONTENTIONS

He believes that he qualified for the TEB prior to the change in the Post 9/11 GI Bill law while he was serving in the military.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force Reserve captain (O-3) with prior service in the United States Marine Corps.

On 21 May 2002, according to Reserve Order *Work-Product* dated 28 May 2002, the applicant was appointed as a Reserve of the Air Force in the grade of second lieutenant.

On 31 March 2016, according to Reserve Order *Work-Product*, dated 30 March 2016, the applicant was relieved from ARPC and honorably discharged from all appointments.

The applicant's Benefits for Education Administrative Services Tool (BEAST) History reflects no record he submitted a TEB request

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

APPLICABLE AUTHORITY

Directive-Type Memorandum (DTM) 09-003: Post 9/11 GI Bill,

Attachment 2, paragraph 3.a : Eligible Individuals. Any member of the Armed Forces on or after August 1, 2009, who, at the time of the approval of the individual's request to transfer entitlement to education assistance under this section, is eligible for the Post-9/11 GI Bill, and

(3)(a) For those individuals eligible for retirement on Aug 1, 2009, no additional service is required.

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Controlled by: SAF/MRB

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Limited Dissemination Control: N/A

POC: SAF.MRBC.Workflow@us.af.mil

AFI 36-2306, Voluntary Education Program, dated 13 Aug 10, Attachment 9. A9.18. Transferability of unused benefits to dependents.

A9.18.7. Time for Transfer, Revocation, and Modification.

A9.18.7.1. Time for Transfer. A member approved to transfer entitlement to educational assistance under this section may transfer such entitlement only while serving as a member of the Armed Forces when the transfer is executed.

A9.18.9. Transfer of Benefits Procedures. All requests and transactions will be completed through the TEB Web application at <https://www.dmdc.osd.mil/TEB/>. Airmen are responsible for correcting inaccurate information. Airmen may request certification of Post-9/11 GI Bill eligibility from the DVA's website prior to requesting to transfer of benefits.

A9.18.9.3. Once certifying officials have approved a request to transfer benefits, Airmen may print a hard copy of the certified TEB request for their personal records. Additional service commitments will be recorded in the appropriate personnel system(s). Additional service commitments resulting from transferring unused Post-9/11 GI Bill benefits begin on the date of request and are served concurrent with any other additional service commitment in effect at the time of the transfer or incurred at any time after the request to transfer benefits. Transfer of Post-9/11 GI Bill benefits, in and of itself, will not limit any other reenlistment option or incentive to which a member may be eligible.

A9.20. AFPC/DPS Specific Procedures (Active Duty) – Transfer of Benefits Option Responsibilities:

A9.20.1. MEMBERS MUST:

A9.20.1.3. Apply for this option through DMDC's (TEB) website (<https://www.dmdc.osd.mil/TEB/>).

AIR FORCE EVALUATION

ARPC/DPAT recommends denying the application. There is no evidence that a TEB request was attempted either in his Person Education Summary or Service Member TEB History. An ARMS review concluded no evidence of a signed document agreeing to serve the additional incurred four-year service commitment. The first Post 9/11 GI Bill TEB related ticket was on 11 August 2022, in which the applicant called an agent inquiring whether, if he had separated in 2009, would there have been an option to transfer benefits to dependents after separation. Additionally, BEAST indicates the applicant separated 31 March 2016 with no break in military service. If the applicant had submitted a TEB application any time before 31 March 2012, he would have been deemed eligible for TEB, as he would have fulfilled the four-year military service obligation in accordance with Public Law 110 252, 30 June 2008.

Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice due to the fact that a TEB request was never submitted, and the applicant is no longer eligible to transfer his education benefits due to separation, per DODI law.

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 October 2022 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 not the victim of an error or injustice. The Board concurs with the rationale and recommendation of ARPC/DPAT and finds a preponderance of the evidence does not substantiate the applicant's contentions. 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 Air Force Instruction 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. The Board does not find it in the interest of justice to waive the three-year filing requirement. Therefore, the Board finds the application untimely and 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-2022-02206 in Executive Session on 10 January 2023:

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 15 August 2022.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, ARPC/DPAT, w/atchs, dated 13 September 2022.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 18 October 2022.

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.

7/1/2025

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