



Work-Product

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00110

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

The applicant contends he recently discovered his dependents were ineligible for TEB after the Department of Veteran Affairs (VA) denied his dependent's claim. When he elected to retire on 31 May 22, he was unaware that he needed to complete an additional forty-two (42) days to retain TEB for his dependents and would have changed his retirement date. He is requesting to waive the forty-two (42) days remaining on the service obligation so that he can transfer education benefits to his dependents.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 15 Aug 18, according to AF Form 4406, *Post-9/11 GI Bill Transfer of Educational Benefits Statement of Understanding*, the applicant acknowledged in Section I. *Service Obligation*, that he would incur a service obligation of four (4) years and a Selective Reserve Service Commitment (SRSC) would be updated in his records effective from the date of the application.

On 31 May 22, according to DD Form 214, *Certificate of Release or Discharge*, the applicant retired after twenty-two (22) years, one (1) month, and twelve (12) days of active service.

On 18 Jul 22, a letter from the Department of Veterans Affairs, was sent to the applicant's spouse indicating that her claim for Post-9/11 GI Bill benefits due to issues with the applicant's service obligations.

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

AIR FORCE EVALUATION

ARPC/DPAT recommends denying the application. On 17 Aug 18, the applicant signed a Statement of Understanding (SOU) and elected to TEB to his dependent incurring a service obligation to 13 Jul 22. On 1 Jun 22, the applicant retired from active service without completing

AFBCMR Docket Number BC-2023-00110

Work-Product

Work-Product

the four-year obligation associated with TEB. He contends he was unaware there was forty-two (42) days remaining on his obligation when he retired. The applicant is requesting the forty-two (42) days of his obligation be waived so that he can transfer education benefits to his dependents. 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 because the applicant elected to retire prior to the completion of his service obligation. Furthermore, the applicant signed the TEB SOU agreement acknowledging that transfer of benefits may be lost if he did not complete the entire service obligation.

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 14 Feb 23 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 ARPC/DPAT against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant's contentions. The Board found the applicant was aware of the four-year service commitment associated with his TEB approval. However, the Board believes the applicant did not receive the proper retirement counseling, because he would not have reasonably forfeited such a benefit with the need to only serve forty-two additional days. As such, the Board finds that instead of waiving the remaining 42 days of his military service obligation it is more appropriate to change the date of transfer to reflect that the applicant fulfilled the four-year military service obligation. 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 31 May 2018, he elected and was approved to transfer his Post-9/11 GI Bill Educational Benefits to his eligible dependents with an obligation end date of 30 May 2022, thus completing the required four year military service requirement associated with the transfer.

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-2023-00110 in Executive Session on 9 May 23:

Work-Product, Panel Chair

Work-Product Panel Member

Work-Product Panel Member

AFBCMR Docket Number BC-2023-00110

Work-Product

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

Exhibit A: Application, DD Form 149, w/atchs, dated 8 Nov 22.

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

Exhibit C: Advisory Opinion, ARPC/DPAT, w/atchs, dated 24 Jan 23.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 14 Feb 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.

7/29/2025

Work-Product