



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00198

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His record reflect that he contributed to the Montgomery GI Bill (MGIB).

APPLICANT'S CONTENTIONS

The correction should be made to reflect the actual facts of his service.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force staff sergeant (E-5).

On 7 July 1999, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant entered active duty.

On 19 July 1999, the applicant signed DD Form 2366, *Montgomery GI Bill Act of 1984 (MGIB)*, (Chapter 30, Title 38, U.S. Code).

The Defense Manpower Data Center (DMDC) reflects the applicant contributed \$1200.00 to the MGIB.

On 18 August 2008, according to DD Form 214, the applicant was honorably discharged in the grade of staff sergeant. He served 9 years, 1 month and 12 days total active service and credited with 1 year, 1 month and 29 days of Foreign 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 application. MGIB participation is not reflected on the DD Form 214. The DD Form 2366 documents the applicant's elections, and the Defense Manpower Data Center (DMDC) reflects MGIB contributions.

The Department of Veterans Affairs limits MGIB usage to 10 years after release from active duty. Additionally, MGIB benefits are not transferable to dependents. The Post-9/11 GI Bill is transferable to dependents; however, because the applicant served on active duty until 18 August

AFBCMR Docket Number BC-2023-00198

Work-Product

Work-Product

Work-Product

Work-Product

Work-Product

2008, he is ineligible to transfer Post-9/11 GI Bill benefits. In accordance with Department of Defense Instruction 1341.13, *Post-9/11 GI Bill*, Enclosure 3, 3.3.b. and Air Force Instruction 36-2670, *Total Force Development*, 6.11.15.1., members are eligible to transfer benefits if service to the Armed Forces was on or after 1 August 2009.

The applicant's DD Form 214 is accurate. He did not contribute to VEAP; therefore, no corrective action is required. Additionally, by law and DoD guidance, the program for the transfer of benefits was enacted on 1 August 2009. Furthermore, 38 U.S.C., Section 3319 (f)(1) states: "an individual 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." The applicant is ineligible to transfer education benefits to his dependents.

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 February 2023 for comment (Exhibit D), but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed. The Board 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 it in the interest of justice to waive the three-year filing requirement.
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. Therefore, the Board 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 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-2023-00198 in Executive Session on 9 May 2023:

Work-Product

Panel Chair

Work-Product

Panel Member

Work-Product

Panel Member

AFBCMR Docket Number BC-2023-00198

Work-Product

Work-Product

Work-Product

Work-Product

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

Exhibit A: Application, DD Form 149, w/atchs, dated 8 February 2023.

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

Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 9 February 2023.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 14 February 2023.

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.

8/26/2025

X

Work-Product

Board Operations Manager, AFBCMR

Signed by

Work-Product

AFBCMR Docket Number BC-2023-00198

Work-Product