



Work-Product

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

**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2023-00312

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 and change his Active Duty Service Commitment (ADSC) Obligation End Date (OED) to 30 December 2018.

**APPLICANT’S CONTENTIONS**

He was denied benefits due to no fault of his own. He was informed prior to discharge that his discharge status was incorrectly reported as voluntary retirement versus non-retention. He was told the error would be corrected prior to his discharge; however, they failed to correct it. He and his base admin office has tried multiple times to upload information in Mil Connect but have been unsuccessful. He has served in uniform both active duty and Guard for over 36 years. He was activated in July 2005 for Operation ENDURING FREEDOM , I proudly wore the USAF uniform, served over seas and I have been honorably discharged.

The applicant’s complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is a retired Air National Guard chief master sergeant (E-9).

On 18 December 1984, according to NGB Form 22, *Report of Separation and Record of Service*, the applicant enlisted in the Air National Guard.

According to a NGMS-ANG-CC Memorandum, dated 3 June 2017, provided by the applicant, he was not selected for continued retention.

On 30 December 2017, according to NGB Form 22, the applicant received an honorable character of service. The authority and reason for separation reflect “Transfer to the USAF Reserve Retired List (ANG Only), SPD: RBD.” He served 36 years, 8 months, and 1-day total service for retired pay.

According to Reserve Order Number **Work-Product**, dated 9 September 2019, the applicant was placed on the USAF Retired List, Retired Reserve Section ZB and effective 17 May 2019, the applicant retired in the grade of chief master sergeant. The applicant served 36 years, 7 months, and 18 days of service per Title 10 USC Section 12732.

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

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## **APPLICABLE AUTHORITY/GUIDANCE**

According to the regulation at the time of the applicant's discharge, DODI 1341.13, Post-9/11 GI Bill, Enclosure 3, Paragraph 3, dated 31 May 13 states: Any service member on or after 1 August 2009, who is entitled to the Post-9/11 GI Bill at the time of the approval of his or her request to transfer that entitlement under this section, may transfer that entitlement provided he or she has at least 10 years of service in the Military Services (active duty or Selected Reserve) on the date of approval, is precluded by either standard policy (Service or DOD) statute from committing to four additional years, and agrees to serve for the maximum amount of time allowed by such policy or statute. (Note that this provision uses the same language as AFI 36-2649, Voluntary Education Program, paragraph A13.18.1.1.2 paragraph 3.a.(2)). The effect of this paragraph is the elimination of the retainability requirement for members who have at least 10 years of service, who are subject to early separation due to policy or statute, and who agree (or would have agreed) to serve the maximum time allowed.

## **AIR FORCE EVALUATION**

NGB/A1Y recommends granting the application. The applicant transferred his Post 9/11 benefits on 7 April 2015 with a service obligation end date (OED) of 6 April 2019. The applicant was denied retention during the FY17 Selective Retention Review Board (SRRB) and retired on 30 December 2018. Based on the documentation provided by the applicant and analysis of the facts, there is enough evidence to approve the applicant's request to reinstate TEB to his dependents. On 6 March 2018, a policy change from NGB/A1P stated ANG members being separated/discharged for non-retention IAW ANGI 36-2651 currently receive an SPD code of "GCN/Transfer to the USAF Reserve Retired List – Voluntary/Under Age 60." This policy change allowed for members to keep their Post 9/11 transfer due to being non-selectively retained.

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 10 July 2023 for comment (Exhibit D) but has received no response.

## **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 the victim of an error or injustice. The Board concurs with the rationale and recommendation of NGB/A1Y and finds a preponderance of the evidence substantiates the applicant's contentions. However, rather than changing his obligation end date, the applicant's record should be corrected by changing the date the applicant transferred his educational benefits to 30 December 2013, which would allow him to complete the four-year military service obligation prior to his forced separation from the Air National Guard due to his non-selection for retention. 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 the APPLICANT be corrected to show that on 30 December 2013 he elected and was approved to transfer his Post-9/11 GI Bill Educational Benefits to his eligible dependents with a service obligation end date of 29 December 2017.

**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-2023-00312 in Executive Session on 12 September 2023:

- 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 25 January 2023.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFPC/DP3SP, dated 23 June 2023.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 10 July 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.

9/4/2024

X

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Board Operations Manager, AFBCMR  
Signed by: Work-Product