



[REDACTED]

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00424

[REDACTED]

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

In 2019, after serving eight years on active duty, the applicant transferred to the Air Force Reserve. In 2020 she applied to transfer her education benefits to her dependents but failed to complete the TEB Statement of Understanding (SOU). However, she has been serving on long term orders since 2021 and will continue in her current assignment through 2024. As such, she will meet the requirements for TEB if an SOU can be approved for her 2020 application.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force Reserve captain (O-3).

Effective 23 Aug 19, according to Reserve Order **Work-Product** dated 2 Oct 19, the applicant transferred to from the Individual Ready Reserve to an Air Force Reserve Unit on Moody AFB, GA.

On 18 Sep 20, according to a print-out from the Benefits for Education Administrative Services Tool (BEAST), provided by ARPC/DPAT, the applicant applied for TEB, but on 11 Dec 20 the application was rejected. In addition, it shows she applied again on 30 Jun 22 and 29 Jan 23, but again both applications were rejected.

On 26 Jul 21, the applicant was notified of her second deferral for promotion to major (O-4) and received an adjusted mandatory separation date of 1 Jan 22.

On 20 Jan 22, a memorandum for HQ ARPC/DPTTS from the applicant indicates that she accepted continuation status on the Reserve Active Status List in order to continue serving in the Reserve.

According to report pulled from Military Personnel Data System (MilPDS), the applicant's Mandatory Separation Date (MSD) reflects 18 Jan 25.

AFBCMR Docket Number BC-2023-00424

[REDACTED]

Work-Product

[REDACTED]

On 16 Feb 23, according to AF Form 4406, *Post-9/11 GI Bill Transfer of Educational Benefits Statement of Understanding*, provided by the applicant, she acknowledged that she would incur a four-year service obligation.

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, because the applicant's MSD prevents her from completing the required four-year service commitment. The applicant is requesting to transfer education benefits to her dependents despite her failure to sign the TEB SOU. On 18 Sep 20, the applicant submitted a TEB application and was given thirty-days to complete the SOU. On 11 Dec 20, the application was rejected because the applicant did not submit a completed TEB SOU. On 30 Jun 22, the applicant submitted a second application. She was notified by ARPC of her ineligibility, and additional information was requested. However, the application was rejected because she did not respond to the notifications. On 29 Jan 23, the applicant submitted a third application which was rejected because her MSD of 18 Jan 25 prevents her from completing the four-year service commitment. Based on documentation provided by the applicant and analysis of the facts, there is no evidence of an error or an injustice.

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 12 Apr 23 for comment (Exhibit D), and the applicant replied on 26 Apr 23. In her response, the applicant contended, on 18 Sep 20, when she initially applied for TEB, she was on a set of temporary reserve orders that ended on 30 Sep 20. As such, 12 days after she applied for TEB she no longer had access to her military e-mail and was therefore never notified of the requirement to complete the TEB SOU within thirty-days. On 24 Feb 21, the applicant began the next set of long term orders, but at no time did she receive the notification about the SOU. Therefore, she applied again two more times thinking that as she continued to be placed on different full-time orders it might change her status making her eligible for the TEB. However, it was only after she opened a case to identify why her original application from Sep 20 was rejected, that she discovered the missing TEB SOU requirement.

In support of her rebuttal, the applicant provides a screen shot of her tour history that show her sporadic sets of orders from 2020 through 2023.

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. 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 submitted three separate applications over the course of three years that were rejected because she did not complete the TEB SOU within the thirty-day application window or was unable to obtain the retainability. The first of those applications was on 18 Sep 20, but due to her active duty orders ending on 30 Sep 20 the Board finds it reasonable that the

[REDACTED]

applicant was unaware that her application was rejected on 11 Dec 20 because she did not submit her SOU. Furthermore, since the applicant applied in 2020, she has continued to serve in the Air Force Reserve and if it were approved, she would complete the four-year service obligation prior to her MSD in 2025. As such, the Board finds that the failure to submit the TEB SOU was a procedural oversight and not her intent to abandon her request for TEB. 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 18 September 2020, she elected and was approved to transfer her Post-9/11 GI Bill Educational Benefits to her eligible dependents with an obligation end date of 17 September 2024.

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-2023-00424 in Executive Session on 11 Jul 23:

- [REDACTED] Panel Chair
- [REDACTED] Panel Member
- [REDACTED] Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 3 Jan 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, ARPC/DPAT, w/atchs, dated 23 Mar 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 12 Apr 23.
- Exhibit E: Applicant response, w/atchs, dated 26 Apr 23.

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.

[REDACTED]

[REDACTED]