



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

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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER: BC-2023-00476**

**COUNSEL: NONE**

**HEARING REQUESTED: NO**

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**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's spouse and oldest dependent child were approved for TEB before the birth of his second dependent child. After the birth of his second dependent child, he submitted an application to add the dependent to receive education benefits. While submitting the application process, the applicant was notified by the system that his application required an additional four-year service commitment. The applicant cancelled the application because he was too close to retirement and did not want to incur the additional four-year service commitment. However, after he cancelled the application, he discovered that his spouse and oldest dependent child were removed from the system also. He is requesting to reinstate education benefits for his spouse and oldest dependent child since he completed the service commitment associated with their original approval.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is a currently serving Regular Air Force master sergeant (E-7).

On 1 Oct 02, the applicant entered the Regular Air Force.

On 30 Oct 10, according to the Defense Manpower Data Center (DMDC) the applicant applied for TEB, but his application was rejected on 16 Nov 10. The reason for rejection states "SM needs to contact Service Representative to resolve status."

On 15 Sep 11, according to DD Form 4/1, *Enlistment/Reenlistment Document Armed Forces of the United States*, the applicant reenlisted for a period of five years and 11 months.

On 27 Sep 13, according to *Post 9/11 G.I. Bill Transfer of Educational Benefits Statement of Understanding*, pulled from Automated Records Management System (ARMS), the applicant acknowledged that he would incur a four year Active Duty Service Commitment (ADSC) with the transfer of benefits to his dependents. The ADSC end date shows 30 Oct 14.

On 10 Oct 13, according to the DMDC, the applicant applied for TEB, but his application was rejected on 8 Nov 13. The reason for rejection states "SM needs to contact Service Representative to resolve status."

On 11 Mar 15, according to AF Form 1411, *Extension or Cancellation of Extensions of Enlistment in Regular Air Force*, the applicant extended his 15 Sep 11 enlistment of 5 years and 11 months for an additional period of 19 months.

On 11 Aug 17, according to the DMDC, the applicant applied for TEB, but his application was rejected 14 Sep 17. The reason for rejection states "SM has not committed to the required additional service time."

On 22 Mar 22, according to the DMDC, the applicant applied for TEB, but his application was rejected 22 Apr 22. The reason for rejection states "SM has not committed to the required additional service time."

On 9 Dec 22, [REDACTED] was published and projects that the applicant will be relieved from Active Duty effective 31 Oct 23 and credited with 21 years and 1 month of active service for retirement.

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

## **APPLICABLE AUTHORITY**

For the first time in history, service members enrolled in the Post-9/11 GI Bill Program are able to transfer unused educational benefits to their dependent spouses or children. Any member of the Armed Forces, active duty or Selected Reserve, officer or enlisted, on or after 1 Aug 09, who is eligible for the Post-9/11 GI Bill, has at least six years of service in the Armed Force on the date of election, and agrees to serve 4 additional years in the Armed Forces from the date of election; or has at least 10 years of service on the date of election, is precluded by either standard policy (Service or DoD) or statute from committing to 4 additional years, and agrees to serve for the maximum amount of time allowed by such policy or statute, can transfer their unused Post-9/11 GI Bill educational benefits to their dependents (Title 38 USC, Chapter 33, § 3319(b)(1)). Title 38 USC, Chapter 33, § 3319(f)(1) adds that the transfer of such entitlement can only be done while serving as a member of the armed forces when the transfer is executed.

## **AIR FORCE EVALUATION**

AFPC/DP3SA recommends denying the applicants request to transfer education benefits to his dependents because there is no evidence of error or injustice on the part of the Air Force. The applicant contends that he had an approved TEB application for two of his dependents. During the application process to add a third dependent to the approved list of dependents, he was informed of the four-year retainability requirement. The applicant cancelled the application to add his third dependent because he did not want to incur the service commitment. However, after cancelling the application for his third dependent, he discovered that his previous two dependents were removed. According to Defense Manpower Data Center (DMDC) records, on 30 Oct 10, 10

Oct 13, 11 Aug 17, and 22 Mar 22, the applicant submitted applications to transfer education benefits to his dependents. However, on 16 Nov 10, 8 Nov 13, 14 Sep 17, and 22 Apr 22 respectively, the applications were rejected because the applicant did not secure the required four-year retainability within the application window. In accordance with Directive-Type Memorandum (DTM) 09-003: *Post-9/11 GI Bill*, Attachment 2 [3.a.(1)], DoDI 1341.13, *Post-9/11 GI Bill*, Enclosure 3, paragraph 3.a.(1), AFI 36-2306, *Voluntary Education Program*, paragraph A9.20.1, AFI 36-2649\_AFGM2016-01, *Air Force Voluntary Education Program*, paragraph A13.20.1., and AFI 36-2670\_AFGM2020-03, *Total Force Development*, paragraph 6.11.15.1., members must secure the required retainability within the application period.

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 May 23 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. While the Board notes the recommendation of AFPC/DP3SA against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant's contentions. The Board found the applicant initially enrolled in TEB and submitted the TEB SOU outside of the application window. Three years later, when he reapplied for TEB, he completed a TEB SOU with the expiration date from the initial application. Furthermore, the Board found the applicant continued to serve beyond the service commitment date. Finally, the Board finds that the failure to submit the TEB SOU within the application window is a procedural oversite and not his intent to abandon his request for TEB. However, the Board notes that after the birth of his son, the applicant intended to add the additional child to his eligible dependents and therefore the Board finds it suiting to approve his most recent application that he submitted on 11 Aug 17, so that all eligible dependents can receive the TEB. Therefore, the Board recommends correcting the applicant's records as indicated below.
4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

## **RECOMMENDATION**

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that on 11 August 2017, 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 10 August 2021.

## **CERTIFICATION**

**AFBCMR Docket Number BC-2023-00476**

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-2023-00476 in Executive Session on 15 Aug 23:

[REDACTED] Panel Chair

[REDACTED] Panel Member

[REDACTED] Panel Member

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

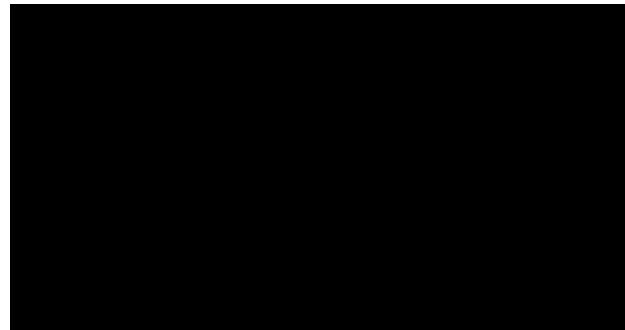
Exhibit A: Application, DD Form 149, w/atchs, dated 23 Mar 23.

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

Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 26 Apr 23.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 10 May 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.



**AFBCMR Docket Number BC-2023-00476**