



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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2023-01108

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Her service obligation date be adjusted to 30 Nov 16, and she be allowed to transfer her Post-9/11 GI Bill education benefits (TEB) to her eligible dependents.

APPLICANT'S CONTENTIONS

On 5 Apr 16, the applicant was approved to transfer education benefits to her dependent. However, her commander did not select her for reenlistment, and she was forced to retire before completing the four-year service commitment. When she was notified of the non-selection, she contacted the unit's retention office manager, who assured her the service obligation would be considered completed because she was separated due to "involuntary force shaping." Recently, after her dependent was denied education benefits from the VA, the applicant checked her account in mil-Connect and discovered she was ineligible for TEB because she did not complete the service obligation. She is requesting the service obligation date in the Defense Manpower Data Center (DMDC) be adjusted to reflect completed, so that she can TEB to her dependents.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 1 Jan 16, according to DD Form 4, *Enlistment/Reenlistment Document Armed Forces of the United States*, the applicant reenlisted for one year in the grade of master sergeant (E-7).

On 5 Apr 16, according to AF Form 4406, *Post-911 GI Bill Transfer of Educational Benefits Statement of Understanding*, submitted by the applicant, she acknowledged a service commitment to 5 Apr 20.

On 8 Apr 16, according to AF Form 418, *Selective Reenlistment Program (SRP) Consideration for Airmen in the Regular Air Force/Air Force Reserve*, Block III. *Unit Commander/Detachment Chief Action*, the commander selected, "Not Selected for Reenlistment." Furthermore, in the "Remarks", the commander states the applicant discussed retirement options with him over the previous six months and expressed a desire to retire. "In the best interest of the squadron he is not requesting her reenlistment at her expiration term of service, 31 Dec 16."



On 12 Jul 16, according to notification from the Department of Defense Manpower Data Center, submitted by the applicant, she was approved her service to transfer unused Post-9/11 GI Benefits to her dependents. In addition, she was notified that her "Obligation End Date" was 4 Apr 20.

On 30 Nov 16, according to NGB Form 22, *Report of Separation and Record of Service*, the applicant retired after twenty-six years, three months, and seven days of active service.

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

AIR FORCE EVALUATION

NGB/A1Y recommends denying the applicants requests the service obligation associated with TEB be adjusted due to involuntary force shaping. The applicant contends, on 5 Apr 16, she was approved for TEB. However, her commander non-selected her for reenlistment and she was forced to retire prior to completing the required four-year service commitment. She was assured by the retention office that she would retain TEB because she was separated due to "involuntary force shaping." 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. On 5 Apr 16, the applicant was approved to transfer education benefits to her dependent and agreed to an additional four-year service commitment ending on 4 Apr 20. On 30 Nov 16, with three years remaining on the service commitment, the applicant retired from the Air National Guard. In accordance with DoDI 1241.13., paragraph 3.a. (1), "Members must be eligible to be retained for four years from the date of election and not be precluded, prior to approval, by either standard policy (Service or DoD) or statute." Force shaping is determined by the Secretary of Air Force and would have been annotated on the applicant's separation documentation. According to NGB Form 22, *Report of Separation and Record of Service*, Block 23. *Authority and Reason*, the applicant was separated under SPD Code: RBD (Retirement Voluntary//Under age 60) and thus ineligible to retain TEB.

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 Jul 23 for comment (Exhibit D), and the applicant replied on 8 Aug 23. In her response, the applicant contended that she was unable to complete the four-year service commitment because she was forced to retire after her commander non-selected for reenlistment. Additionally, she contends that the SPD Code on her NGB Form 22 reflects a voluntary retirement because all Air National Guard retirements are considered voluntary unless the retirement is for medical reasons. Finally, the applicant contends that a change to DoDI 1341.13 protects her approval to TEB to her dependents. According to the *DoDi Policy Change on Transfer of Post-9/11 GI Bill Benefits*, dated 12 Jul 18 which states, "Effective one year from the date of this change, eligibility to transfer those benefits will be limited to service members with less than 16 years of total active-duty or selected reserve service, as applicable. Previously, there were no restrictions on when a service member could transfer educational benefits to their family members. The provision that requires a service member to have at least six years of service to apply to transfer benefits remains unchanged in the policy." The applicant believes this 2018 change should not affect her eligibility to transfer benefits to her dependents because she applied retired in 2016.

The applicant's complete response is at Exhibit E.

[REDACTED]

[REDACTED]

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[REDACTED]

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 and finds the application untimely.
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 NGB/A1Y and finds a preponderance of the evidence does not substantiate the applicant's contentions. While the Board notes that the applicant submitted a SOU agreeing to a four-year military service obligation, the applicant failed to secure the four years of retainability prior to or in conjunction with the submission of the SOU. Furthermore, the Board notes that the AF Form 418 is a tool that the commander may use in determining whether a service member should continue to serve and is not a Force Shaping mechanism, but part of the normal reenlistment process. As such, when the applicant's commander non-recommended her for reenlistment the applicant was unable to obtain the four years of retainability required for transfer. 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-2023-01108 in Executive Session on 5 Dec 23:

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

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 5 Apr 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, NGB/A1Y, dated 5 Jul 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 10 Jul 23.
- Exhibit E: Applicant's Response, dated 8 Aug 23.

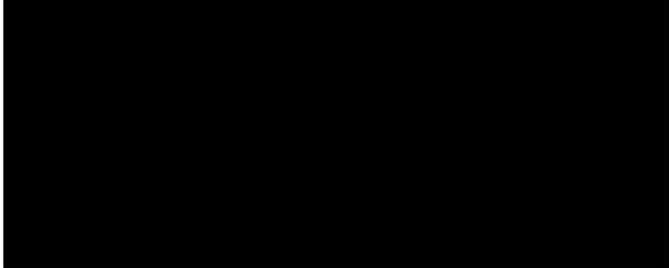
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[REDACTED]

[REDACTED]

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.

9/1/2025



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