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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-01398

[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 dependents.

APPLICANT'S CONTENTIONS

She attempted to submit multiple applications to transfer her education benefits to her dependents; however, her Commander Support Staff (CSS) failed to process her extension paperwork in a timely manner, and she was not able to obtain the required retainability to complete the transfer. In addition, there were Statement of Understanding (SOU) issues, which she did not find out about until months later, but she believes she completed the retainability required to receive the benefit.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 20 Jun 14, according to AF Form 901, *Reenlistment Eligibility Annex to DD Form 4*, the applicant checked "Yes" in Block D: *The reason for this reenlistment is to qualify for transferability of the Post-9/11 GI Bill.*

On 2 Jul 14, according to DD Form 4, *Enlistment/Reenlistment Document Armed Forces of the United States*, the applicant reenlisted for 4 years and 13 months and established an Expiration Term of Service (ETS) of 2 Aug 19.

On 31 Jul 21, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant retired from active service after 20 years, 11 months, and 15 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

AFPC/DP3SA recommends denying the applicants request to transfer education benefits to her dependents. Based on documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice on the part of the Air Force. The applicant contends she applied to transfer her benefits on two separate occasions; however, her applications were rejected because she did complete the TEB SOU, and she did not secure the required service commitment.

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Furthermore, she contends she was unaware of the TEB SOU requirement until months later and an administrative delay with her CSS prevented her from processing the extension paperwork prior to her retirement date. On 27 Oct 17, the Defense Manpower Data Center (DMDC) shows the applicant applied for TEB and on 6 Nov 17, she was notified in myPers of the requirement to complete the TEB SOU. DMDC also shows the applicant replied in myPers and inquired on whether she had the correct TEB SOU form. On 15 Nov 17, she was notified in myPers to complete the missing TEB SOU, and on 21 Dec 17, her application was rejected because she failed to submit a completed TEB SOU. On 13 Feb 18, the applicant reapplied for TEB and on 14 Feb 19, she was notified to secure four-years of retainability within thirty-days. On 15 Mar 18, her application was rejected because she failed to secure the required four-year retainability within the application window.

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 24 Jul 23 for comment (Exhibit D) but has received no response.

The applicant's complete response is at Exhibit E.

FINDINGS AND CONCLUSION

1. The application was not 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. In this regard, the applicant's AF Form 901, dated 20 Jun 14 reflects the applicant reenlisted on 2 Jul 14 for the specific purpose of transferring her Post-9/11 GI Bill benefits to her eligible dependents. Thereafter, she served four years of active duty and completed her military service obligation required for the transfer. As such, despite the applicant's failure to sign the SOU, the Board finds the applicant met the intent of the program and her failure to sign the SOU should be regarded as a procedural defect only and not as evidence of an intent to abandon the transfer request. 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 2 July 2014, she elected to transfer her Post-9/11 GI Bill Educational Benefits to her eligible dependents and on 1 July 2018, she completed the required Active Duty Service Commitment (ADSC) for TEB as required by DoDI 1341.13, *Post-9/11 GI Bill*.

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-2023-01398 in Executive Session on 13 Feb 24:


[REDACTED]

[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 1 May 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 18 Jul 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 24 Jul 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.

 Expired certificate

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