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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

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DOCKET NUMBER: BC-2023-01759

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT’S REQUEST

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

APPLICANT’S CONTENTIONS

In 2011, he requested to transfer his Montgomery GI Bill to the Post-9/11 GI Bill and was never advised his request was denied. His daughter was recently accepted at a university; however, after applying for the GI Bill authorization letter he was informed his benefits were not transferred. He received an email stating he did not obtain the required retainability. He served six (6) years on active duty after requesting the transfer, so obviously, he met the retainability requirement. Had he known his transfer of benefits was denied, he would have attempted to fix the situation while still on active duty.

The applicant’s complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 17 Dec 09, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant reenlisted in the Air Force for a period of four years. Block 7a, *Total Active Military Service*, reflects 16 years, 7 months, and 26 days.

On 1 Nov 11, according to the applicant’s *Benefits for Education Administrative Services Tool* (BEAST) record reflects he submitted his request to transfer his education benefits.

On 15 Nov 11, his application was rejected.

On 25 Oct 13, according to his BEAST record, he submitted a request to transfer his education benefits. On that same date, his application was rejected.

On 6 Dec 13, according to DD Form 4, he reenlisted for a period of three years. Block 7a, *Total Active Military Service*, reflects 20 years, 7 months, and 15 days.

On 16 Dec 13, according to his BEAST record, he submitted a request to transfer his education benefits.

AFBCMR Docket Number BC-2023-01759

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Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

On 16 Jan 14, according to his BEAST record, his application was rejected.

On 30 Apr 17, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, reflects he served on active duty from 21 Apr 93 to 30 Apr 17; was honorably retired in the grade master sergeant (E-7); and was credited with 24 years and 10 days.

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

APPLICABLE AUTHORITY/GUIDANCE

Directive-Type Memorandum (DTM) 09-003, dated 22 Jun 09, Attachment 2, *Procedures. 3. Transferability of Unused Education Benefits to Family Members*. Subject to the provisions of this attachment, the Secretary of the Military Department concerned, to promote recruitment and retention of members of the Armed Forces, may permit an individual described in paragraph 3.a. of this attachment, who is entitled to educational assistance under the Post-9/11 GI Bill, to elect to transfer to one or more of the family members specified, all or a portion of such individual's entitlement to such assistance.

a. Eligible Individuals. Any member of the Armed Forces on or after 1 Aug 09, who, at the time of the approval of the individual's request to transfer entitlement to educational assistance under this section, is eligible for the Post-9/11 GI Bill, and (1) Has at least 6 years of service in the Armed Forces (active duty and/or Selected Reserve) on the date of election and agrees to serve *4 additional years in the Armed Forces from the date of election*,

Air Force Instruction 36-2306_AFGM1, *The Education Services Program*, A9.18. Transferability of unused benefits to dependents. A9.18.1. Eligibility.

A9.18.1.1. Any member of the Armed Forces (active duty and/or Selected Reserve) who meet Post-9/11 GI Bill eligibility requirements and at the time of the approval of the member's request to transfer entitlement to educational assistance:

A9.18.1.2. Has at least 6 years of service in the Armed Forces (active duty and/or Selected Reserve) on the date of election and *agrees to serve 4 additional years in the Air Force from the date of request*, regardless of the number of months transferred, or

A9.18.7.1. Time for Transfer. A member approved to transfer entitlement to educational assistance under this section may transfer such entitlement only while serving as a member of the Armed Forces when the transfer is executed.

A9.20.1. MEMBERS MUST: A9.20.1.1. If enlisted, apply for an extension or reenlistment to meet retainability requirements for the benefit. Contact the reenlistments office prior to applying for the transfer option via TEB (if applicable). The required retainability will be computed as of the application date.

AIR FORCE EVALUATION

AFPC/DP3SA recommends denying the request. Based on the 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 member did not secure the required retainability within the application period. Defense Manpower Data Center (DMDC) records show the member applied for TEB on 1 Nov 11.

The application was rejected because he failed to secure the required retainability. In accordance with Directive Type Memorandum (DTM) 09-003: *Post-9/11 GI Bill*, Attachment 2, paragraph 3.a.1., and AFI 36-2306, *Voluntary Education Program*, paragraphs A19.18.1.2 and A9.20.1.1, members must secure 4 years retainability (from the date of application). On the date his application was rejected, his date of separation was 16 Dec 13. He required retainability to 31 Oct 15. He reenlisted on 6 Dec 13, over two years later.

To grant relief would be contrary to the criteria established by the following laws and guidance: 38 USC Section 3319 and DTM 09-003.

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 16 Jul 24 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 during the period in question, the applicant requested TEB on 1 Nov 11, 25 Oct 13 and 16 Dec 13. Subsequently, his applications were rejected on 15 Nov 11, 25 Oct 13 and 16 Jan 14, respectively because he did not secure the required retainability within the application period. However, he retired effective 30 Apr 17. Therefore, given the applicant fulfilled the four-year service commitment from the date he originally applied for TEB, the Board finds he met the intent of the program and to deny would be a detriment to the applicant. 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 1 Nov 11, he elected and was approved to transfer his Post-9/11 GI Bill Educational Benefits to his dependents with an obligation end date of 31 Oct 15.

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-2023-01759 in Executive Session on 8 Apr 25:

Work-Product	Panel Chair
Work-Product	Panel Member
Work-Product	Panel Member

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

- Exhibit A: Application, DD Form 149, dated 5 Feb 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 2 Jul 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 16 Jul 24.

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.

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Board Operations Manager, AFBCMR

Signed by: *Work-Product*