



CUI//SP-MIL/SP-PRVCY

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-02223

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

He be allowed to transfer his Post-9/11 GI Bill Transfer of Education Benefits (TEB) to his dependents.

APPLICANT'S CONTENTIONS

On 10 May 2012, while stationed at *Work-Product*, he submitted all the required documents for TEB application approval. All paperwork was completed in the presence of a Military Personnel Flight (MPF) representative, to include the necessary extension paperwork that was required to meet the four years necessary to complete the transfer. Approving his request allows his dependents to utilize one of his benefits to further their education.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 8 May 1996, according to DD Form 214, *Certificate of Release of Discharge from Active Duty*, the applicant enlisted in the Regular Air Force.

On 8 March 2012, according to DD Form 4, *Enlistment/Reenlistment Document Armed Forces of the United States*, the applicant reenlisted for 2 years and 26 months and according to AF Form 901, *Reenlistment Eligibility Annex to DD Form 4*, the purpose of the reenlistment was to qualify for the transferability of the Post-9/11 GI Bill.

On 10 May 2012, as noted in the documents provided by AFPC/DP3SA, the Defense Manpower Data Center (DMDC) records show the applicant applied for TEB. On 29 May 2012, the application was rejected because he failed to secure the required retainability within the application period.

On 31 August 2016, according to Special Order Number *Work-Product*, the applicant was relieved from active duty and retired effective on 1 September 2016 in the grade of master sergeant. The applicant served 20 years, 3 months, and 23 days 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.

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Controlled by: SAF/MRB
CUI Categories: SP-MIL/SP-PRVCY
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

AIR FORCE EVALUATION

AFPC/DP3SA recommends denying the application. DMDC records show the applicant applied for TEB on 10 May 2012. The application was rejected on 29 May 2012 because he failed to secure the required retainability within the application period. In accordance with Directive-Type Memorandum (DTM) 09-003: *Post-9/11 GI Bill*, Attachment 2 [3.a.(1)] and AFI 36-2306, *Voluntary Education Program* (A9.18.1.2 and A9.20.1), members must secure four years retainability (from the date of application), complete, and submit the required TEB Statement of Understanding within the application period. In accordance with the applicant's last enlistment on 8 March 2012, the date of separation on the date of application rejection was 7 May 2016. He required retainability to 9 May 2016 for TEB approval.

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 applicant did not secure the required retainability.

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 28 August 2023 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. Based on the applicant's 8 March 2012 reenlistment of four years and two months he had retainability until 7 May 2016. When he applied for TEB on 10 May 2012, he was required to have four years of retainability to 9 May 2016. As such, he was two days short of the four years required on the date he applied for TEB. However, he continued to serve until 31 August 2016 when he retired. Given the applicant has fulfilled his four year service commitment from the date he applied for TEB, the Board finds the applicant met the intent of the program and has fulfilled the military service obligation required 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 on 10 May 2012, his application to transfer his Post-9/11 GI Bill Educational Benefits to his eligible dependents was approved with a service obligation end date of 9 May 2016.

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-2023-02223 in Executive Session on 9 January 2024:

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Work-Product [redacted] Panel Chair
Work-Product [redacted], Panel Member
Work-Product [redacted], Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 5 July 2023.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, w/atchs, dated 22 August 2023.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 28 August 2023.

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.

2/29/2024

X *Attorney-Cl...*

Work-Product
Board Operations Manager, AFBCMR
Signed by: *Work-Product*