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

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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER: BC-2023-02279**

**COUNSEL: NONE**

**HEARING REQUESTED: YES**

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**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**

He served honorably on active duty for 10 years and approximately 15 years with the Air Force Reserve. During his time with the Air Force Reserve, he earned 40 percent of the prorated benefit for the Post 9/11 GI Bill. There was no information shared or provided to Reservist about transferring benefits prior to retirement. There are obstacles to transfer educational benefits post-retirement for Reservist. This leads him to believe this is a systemic issue and one that should be reviewed from a policy perspective.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

On 16 June 1991, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant entered active duty. On 31 August 2001, the applicant resigned with an honorable character of service. He served 10 years, 2 months, and 15 days total active service. His narrative reason for separation reflects "Completion of Required Active Service."

On 1 September 2001, according to AF Form 133, *Oath of Office (Military Personnel)*, the applicant was appointed as a captain, MSC.

On 14 July 2013, AF Form 4406, *Post 9/11 GI Bill Transfer of Educational Benefits Statement of Understanding (SOU)*, the applicant acknowledged that he would incur a service obligation of four years and an Active Duty Service Commitment (ADSC) would be updated in his records.

On 28 February 2016, the applicant was assigned to the Retired Reserve Section and placed on the USAF Reserve Retired List. He was placed in the Retired Reserve Section ZA under retirement identification code X6.

On 29 February 2016, according to the Retrieval Applications Web (RAW), the applicant is retired awaiting pay ZA/Age 60 assigned to the Air Reserve Personnel Center.

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The Benefits for Education Administrative Services Tool (BEAST) and myFSS reflect no record of the applicant applying to transfer his Post 9/11 GI Bill benefits to his dependents.

According to the applicant's SURF, the applicant completed 20 years of satisfactory service and was retirement eligible on 7 Jun 11.

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

#### **APPLICABLE AUTHORITY/GUIDANCE**

DODI 1341.13, Post-9/11 GI Bill, Enclosure 3, Paragraph 3, dated 31 May 2013 states: Any service member on or after 1 August 2009, who is entitled to the Post-9/11 GI Bill at the time of the approval of his or her request to transfer that entitlement under this section, may transfer that entitlement provided he or she has at least 10 years of service in the Military Services (active duty or Selected Reserve) on the date of approval, is precluded by either standard policy (Service or DOD) statute from committing to four additional years, and agrees to serve for the maximum amount of time allowed by such policy or statute. (Note that this provision uses the same language as AFI 36-2649, Voluntary Education Program, paragraph A13.18.1.1.2 paragraph 3.a.(2)). The effect of this paragraph is the elimination of the retainability requirement for members who have at least 10 years of service, who are subject to early separation due to policy or statute, and who agree (or would have agreed) to serve the maximum time allowed.

In accordance with Directive-Type Memorandum (DTM) 09-003, dated 22 June 2009 DoD Instruction 1341.3, *Post-9/11 GI Bill Program*, dated 31 May 2013, members are eligible to transfer benefits if their service to the Armed Forces was on or after 1 August 2009. If that member became retirement eligible during the period from 1 August 2009, through 31 July 2012 and agreed to serve the additional period, if any, specified in the following subparagraphs before 1 August 2013 (the date that this subparagraph became no longer in effect), then that member was considered to have an approved transfer provided they fulfilled their service commitment:

- For individuals eligible for retirement on or after 1 August 2010, and before 1 August 2011, 2 years of additional service is required.

#### **AIR FORCE EVALUATION**

ARPC/DPAT recommends denial. On 15 August 2013, the applicant was advised by a technician to apply for the TEB request via the MilConnect website to review his eligibility to transfer his benefits. Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of error or an injustice. The applicant did not submit an application which prevented the technician from reviewing his eligibility.

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), and the applicant replied on 25 September 2023. In his response, the applicant contends he served honorably for nearly 26 years with the Air Force and retired in February 2016. The attachment to the advisory is a copy of an unsigned encounter from over 10 years ago. Since

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2013, he has experienced a traumatic divorce and approximately eight moves due to his career. He is currently focused on ensuring his children attend college. The Post 9/11 GI benefit transfer is pivotal to their successful college education. The findings in the advisory opinion are not comprehensive nor completely accurate.

The applicant's complete response is at Exhibit E.

### **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 ARPC/DPAT against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant's contentions. Whether or not the applicant applied for Transfer of Education Benefits (TEB) via the MilConnect, the Board finds that given the fact the applicant completed a TEB Statement of Understanding, reflects the applicant's intent to enroll in TEB. To deny relief in this circumstance would be to place form over substance, to the detriment of the applicant. 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 on 14 July 2013, he elected and was approved to transfer his Post 9/11 GI Bill Education Benefits to his dependents with a service obligation end date of 28 February 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-2023-02279 in Executive Session on 5 December 2023:

[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 11 July 2023.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, ARPC/DPAT, w/atchs, dated 11 August 2023.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 28 August 2023.
- Exhibit E: Applicant's Response, dated 25 September 2023.

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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: [Redacted]

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