



Work-Product

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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-02313

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: NOT INDICATED

### APPLICANT'S REQUEST

His Active-Duty Service Commitment (ADSC) be waived so his Transfer of Eligibility Benefit (TEB) can be reinstated to his eligible dependents.

### APPLICANT'S CONTENTIONS

He transferred his educational benefits while he was on active duty in 2011, with the intent to serve the required ADSC. However, in 2014 his engineering career field was force shaped causing him the inability to complete his required service obligation. Since he did not complete his service obligation, his oldest son's application for TEB was denied. The TEB program was an incentive to continue his career and he transferred his benefits intending to help his dependents afford college. Force Shaping was intended to right size the engineering career field and not to eliminate the option of giving service members benefits.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is an honorably discharged Air Force major (O-4).

On 9 February 2011, according to the Benefits for Education Administrative Services Tool (BEAST), the applicant applied for TEB.

On 14 February 2011, the applicant signed the Post- 9/11 GI Bill TEB Statement of Understanding incurring a four (4) year service obligation. According to the BEAST, the applicant's obligation ending date was established as 8 February 2015.

On 25 June 2014, the applicant was notified of his second non-selection for promotion to lieutenant colonel (O-5), which established by law a mandatory separation date of 31 December 2014.

On 31 December 2014, according to the applicant's DD Form 214, *Certificate of Release or Discharge from Active Duty*, he was honorably discharged with a narrative reason for separation of "Non-Selection, Permanent Promotion" and was credited with 13 years, 5 months, and 20 days of active service.

On 14 June 2023, according to documentation provided by the applicant, his son was notified his claim for Post-9/11 GI Bill benefits was denied because the required service obligation was not completed to retain eligibility for the program.

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Controlled by: SAF/MRB

CUI Categories: Work-Product

Limited Dissemination Control: N/A

POC: [SAF.MRBC.Workflow@us.af.mil](mailto:SAF.MRBC.Workflow@us.af.mil)

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 granting the application. Based on a 2018 change to the Department of Defense Instruction (DoDI) 1341.13, *Post-9/11 GI Bill*, there is evidence of an error or injustice on the part of the Air Force. The change expanded the scope of Force Shaping to include members twice passed over for promotion. Specifically, members separated due to Force Shaping can retain transferred benefits. Prior to July 2018, there was no provision in the TEB policy allowing retention of transferred benefits for members twice passed over for promotion.

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 19 September 2023 for comment (Exhibit D) but has received no response.

## FINDINGS AND CONCLUSION

1. The application was not timely filed, but it is in the interest of justice to excuse the delay.
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. The Board concurs with the rationale and recommendation of AFPC/DP3SA and finds a preponderance of the evidence substantiates the applicant's contentions. 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 the APPLICANT be corrected to show that on 31 December 2014, he completed the required Active-Duty Service Commitment for the transfer of his Post-9/11 GI Bill Benefits to his eligible dependents, as required by the Department of Defense Instruction (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-2023-02313 in Executive Session on 14 May 2024:

Work-Product, Panel Chair

Work-Product, Panel Member

Work-Product, Panel Member

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

Exhibit A: Application, DD Form 149, w/atch, dated 13 July 2023.

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Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Advisory opinion, AFPC/DP3SA, w/atch, dated 13 September 2023.  
Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 19 September 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.

7/8/2024

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Board Operations Manager, AFBCMR

Signed by: Work-Product