



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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-02338

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

He was never briefed that there is a time frame to which the SOU and reenlistment needed to be completed in order for the TEB SOU to be upheld. He transferred his benefits to his spouse and son in 2011 with his reenlistment and TEB Statement of Understanding (SOU). After reviewing his 2011 and 2016 reenlistment paperwork, the applicant states that he did not check the "No" box on the AF Form 901, *Reenlistment Eligibility Annex to DD Form 4*, (Section II, D.), which indicated that the reason for his reenlistment was for the purpose of the Post 9/11 GI Bill. In addition, the TEB was never provided as an option when he reenlisted in 2016 or 2020. Please note that the TEB SOU does not state the SOU and reenlistment must be accomplished in a specific time frame, only that you must have completed a minimum of six years of active duty service and will incur a service obligation of four years of an active duty service commitment.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving master sergeant (E-8).

On 5 February 2002, according to DD Form 4/1, *Enlistment/Reenlistment Document Armed Forces of the United States*, the applicant enlisted in the Air Force for a period of 4 years in the grade of airman first class (E-3).

On 5 May 2011, as noted in the documents provided by AFPC/DP3SA, the applicant applied for TEB and on 3 June 2011 the TEB application was rejected because he did not secure the required retainability or complete the SOU.

On 7 June 2011, according to DD Form 4/1, the applicant reenlisted for a period of 4 years and 20 months.

On 27 November 2012, the applicant signed Post 9/11 G.I. Bill Transfer of Educational Benefits Statement of Understanding.

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Controlled by: SAF/MRB

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Limited Dissemination Control: N/A

POC: SAF.MRBC.Workflow@us.af.mil

On 24 August 2016, according to DD Form 4/1, the applicant reenlisted for a period of 4 years and 13 months.

On 11 June 2020, according to DD Form 4/1, the applicant reenlisted for an unspecified amount of time in the grade of master sergeant (E-7) with a HYT of 5 February 2026 for a period of 4 years and 13 months.

On 21 June 2023, as noted in the documents provided by AFPC/DP3SA, the applicant applied for TEB and on 14 July 2023, the TEB application was rejected because he did not secure the required retainability or complete the SOU.

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.

AIR FORCE EVALUATION

AFPC/DP3SA recommends denying the application. The Defense Manpower Data Center (DMDC) records show the applicant applied for TEB on 5 May 2011. The application was rejected on 3 June 2011 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 of retainability (from the date of application), complete, and submit the required TEB Statement of Understanding within the application period. His date of separation on the date of rejection was 6 March 2013. He required retainability to 4 May 2015. The applicant reenlisted on 7 June 2011, four days after application rejection. Additionally, he completed and submitted the TEB SOU on 27 November 2012, over one year after application rejection. 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 or submit the TEB SOU within the application period.

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 5 September 2023 for comment (Exhibit D), and the applicant replied on 5 September 2023. In his response, the applicant contended, he understood there is no evidence of an error or injustice on the part of the Air Force. However, his full intention was to transfer his education benefits to his wife and son in 2011-2012. He does not know why or how he would have submitted an SOU without signing it in May 2011. He does not deny that he received the emails listed in the DMDC History; however, on 27 November 2012, he completed an SOU and was under the impression that his benefits were transferred appropriately based on his conversation with the MPF. The SOU on file dated 27 November 2012 was submitted while he was deployed. The SOU completed 4 years and 3 months prior to his DOS is still within the service commitment requirement of 4 years from the application. When he reenlisted on 7 June 2011 his reenlistment was for 4 years and 20 months which would put his DOS around 7 February 2017. He reenlisted on 24 August 2016 but still had approximately 6 months on his current enlistment before his next enlistment would take effect. He asks the Board to please understand and take into consideration that he served over 6 years when he applied to transfer his education benefits; he has served well over 4 years since that time; and has a signed SOU on file that is over 10 years old to approve his TEB request.

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 AFPC/DP3SA against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant’s contentions. Whether or not the applicant signed the SOU or formally obtained the retainability, he certainly served more than the required four years after the date of his attempted transfer of education benefits. The Air Force received all the service it would have if the applicant had adhered to the formalities of the process. 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.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show on 5 May 2011, he elected to transfer his Post 9/11 GI Bill Education Benefits to his dependents with a service obligation end date to 4 May 2015.

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-2023-02338 in Executive Session on 5 December 2023:

- 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, w/atchs, dated 18 July 2023.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 28 August 2023.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 5 September 2023.
- Exhibit E: Applicant's Response, w/atchs, dated 5 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.

9/2/2025

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Board Operations Manager, AFBCMR

Signed by: *Work-Product*

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