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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-02695

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His military service obligation associated with his election for the Post-9/11 GI Bill Transfer of Education Benefits (TEB) be revoked and he be allowed to transfer his benefits to his eligible dependents.

APPLICANT'S CONTENTIONS

Policy states if retired between 1 August 2009 and 1 July 2010 no additional service obligation is required.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force Reserve major (O-4).

On 28 June 2010, according to NGB Form 22, *Departments of the Army and the Air Force National Guard Bureau, Report of Separation and Record of Service*, the applicant received an honorable character of service. He served a total of 20 years, 6 months, and 9 days total service for pay. Authority and Reason reflects "Transfer to the USAF Reserve Retired List (ANG Only), SPD: RBD

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

AIR FORCE EVALUATION

ARPC/DPAT recommends granting the application. In accordance with Directive-Type Memorandum (DTM) 09-003: Post-9/11 GI Bill dated 22 June 2009, Incorporating Change 1, 10 September 2010, Section 3 Paragraph 3b: For those individuals who have an approved retirement date after 1 August 2009 and before 1 July 2010 no additional service is required. The applicant was eligible to retire and retired effective 1 July 2010. According to Benefits for Education Administrative Services Tool (BEAST), the applicant submitted his TEB request on 20 April 2010 which was approved with an Obligation End Date of 20 April 2010.

Based on the documentation provided by the applicant and analysis of the facts, there is no evidence a correction to his record is required. The applicant successfully transferred his Education Benefits, but should not have incurred an additional service obligation with his request

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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 26 September 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. The Board concurs with the rationale and recommendation of ARPC/DPAT and finds a preponderance of the evidence substantiates the applicant’s contentions. The Board notes, the applicant elected to transfer his Post-9/11 GI Bill Education Benefits on 20 April 10 prior to his discharge for retirement on 28 June 2010 and in accordance with DTM 09-003, *Post-9/11 GI Bill*, which was the policy in effect at that time, the applicant should not have incurred an additional service commitment with his approved transfer of education benefits. 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 20 April 2010, he transferred his Post-9/11 GI Bill Education Benefits to his eligible dependents, and the transfer was approved with no additional service obligation.

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-2023-02695 in Executive Session on 9 April 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/atchs, dated 16 August 2023.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, ARPC/DPAT, w/atch, dated 18 September 2023.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 26 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.

7/2/2024

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Board Operations Manager, AFBCMR

Signed by: Work-Product