



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-02751

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: NO

APPLICANT'S REQUEST

She be allowed to transfer her Post-9/11 GI Bill education benefits (TEB) to her eligible dependents.

APPLICANT'S CONTENTIONS

On 19 Nov 12, she submitted her application to transfer her Post-9/11 GI Bill benefits, to include the TEB Statement of Understanding (SOU), and extended her enlistment. The transfer was updated in MilPDS and the documents were submitted to her Force Support Squadron to be added to her record. She served until 10 Oct 18 and retired with 22 years of service. Her daughter recently applied to use the benefit and was denied for the reason(s) she did not either complete the required service or she did not sign the SOU. She is requesting her TEB be approved.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force Reserve (AFR) master sergeant (E-7) awaiting retired pay at age 60.

On 10 Sep 11, according to DD Form 4, *Enlistment/Reenlistment Document Armed Forces of the United States*, the applicant reenlisted in the AFR for five years.

On 19 Nov 12, according to her Benefits for Education Administrative Services Tool (BEAST) record, she submitted her application for TEB.

On 11 Feb 13, according to Air Force Form 1411, *Extension or Cancellation of Extensions of Enlistment in the Regular Air Force (REGAF)/Air Force Reserve (AF RESERVE)/Air National Guard (ANG)*, she extended her 10 Sep 11 reenlistment for a period of 3 months for the purpose of "RSC for MGIB Transfer."

On 20 Feb 13, her application was rejected for reason "C;" Service member not committed to the required additional service time.

On 10 Oct 18, according to Reserve Order Work-Product dated 19 Sep 18, she was transferred to the USAF Retired List.

On 5 Apr 24, a printout from her Military Personnel Database System (MilPDS) record reflects she was credited with 21 years of satisfactory service towards retirement.

AFBCMR Docket Number BC-2023-02751

Work-Product

Controlled by: SAF/MRB

Work-Product

Work-Product

Limited Dissemination Control: N/A

POC: 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

ARPC/DPAT, recommends denying the request. Based on the documentation provided by the applicant and analysis of the facts there is no evidence of an error or injustice as she did not submit evidence she signed the required SOU. On 19 Nov 13, the applicant elected to transfer her Post-9/11 GI Bill benefits and although she extended her enlistment for an additional three months of to 11 Feb 13 in order to meet the TEB four-year retainability requirement, on 20 Feb 13, her application was denied as she failed to submit her TEB SOU.

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 3 Oct 23 for comment (Exhibit D), and the applicant replied on 16 Oct 23. In her response, she submitted a signed copy of her Post-9/11 GI Bill Transfer of Educational Benefits Statement of Understanding, dated 19 Nov 12.

The applicant's complete response is at Exhibit E.

ADDITIONAL AIR FORCE EVALUATION

ARPC/DPAT, revised their previous deny recommendation and now recommends granting the applicant's request. The applicant provided a SOU, signed 19 Nov 12, which indicates she completed the requirements to successfully transfer her Post-9/11 GI Bill benefits. Unfortunately, the completed SOU was never added to her records and/or processed by the technician.

Therefore, based on the newly provided documentation by the applicant and analysis of the facts, there is evidence of an error or injustice as the member extended her enlistment to meet the retainability requirements of the TEB request and completed the SOU. By doing so, she indicated her willingness to comply with the service obligation and agreements to transfer her educational benefits.

The complete advisory is at Exhibit F.

APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 17 Oct 23 for comment (Exhibit G) 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 conflicting advisory opinions prepared in this case; however, after thoroughly reviewing this application, the Board concurs with the rationale and recommendation of the ARPC/DPAT advisory opinion dated 16 Oct 23 and finds a preponderance of the evidence substantiates the applicant's contentions. Specifically, the Board notes the applicant extended her enlistment to meet the retainability requirements for the TEB request and completed the Statement of Understanding to successfully transfer her Post-9/11 GI Bill educational 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 19 Nov 12, she elected to transfer her Post-9/11 GI Bill Educational Benefits to her eligible dependents, with an Obligation End Date of 18 Nov 16.

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-2023-02751 in Executive Session on 11 Jun 24:

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 23 Aug 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, ARPC/DPAT, dated 26 Sep 23.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 3 Oct 23.
- Exhibit E: Applicant's response, dated 16 Oct 23.
- Exhibit F: Revised Advisory opinion, ARPC/DPAT, dated 16 Oct 23.
- Exhibit G: Notification of advisory, SAF/MRBC to applicant, dated 17 Oct 23.

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.

7/30/2024

X

Work-Product

Work-Product

Board Operations Manager, AFBCMR

Signed by: Work-Product

AFBCMR Docket Number BC-2023-02751

Work-Product