



CUI//SP-MIL/SP-PRVCY

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2023-02870

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

1. His eligibility date to transfer his Post-9/11 GI Bill transfer of education benefits (TEB) be changed to reflect 20 Jun 19.
2. His service commitment date for TEB be changed to reflect 19 Jun 23.

APPLICANT'S CONTENTIONS

On 20 Jun 19, the applicant enrolled his spouse in the Defense Enrollment Eligibility Reporting System (DEERS) and was briefed by his servicing Military Personnel Flight (MPF) he was ineligible to transfer education benefits to his spouse because she did not have a Social Security Number (SSAN). However, working with his current MPF to transfer his benefits to his new dependent child, he recently discovered he was misinformed and was in fact eligible to make the transfer back on 20 Jun 19. Because of the misinformation he incurred a four-year service commitment he would have otherwise already completed.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force master sergeant (E-7).

On 28 Aug 23, according to DAF Form 4406, *Post-9/11 GI Bill Transfer of Educational Benefits Statement of Understanding*, the applicant acknowledged the update of a four-year service commitment that reflects 23 Aug 27.

On 29 Aug 23, according to a notification from the Department of Defense Manpower Data Center (DMDC), provided by AFPC/DP3SA, the applicant was approved to transfer his unused Post-9/11 GI Benefits to his dependents. In addition, he was notified his "Obligation End Date" was 23 Aug 27.

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 denying the applicants request to transfer education benefits to his dependents. The applicant contends, on 20 Jun 19, he enrolled his spouse in DEERS and was

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briefed she was ineligible for TEB because she did not have a SSAN. However, he recently learned he was miscounseled in Jun 19, and he could have transferred educational benefits to his spouse. Based on 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 DMDC shows no history the applicant submitted an application for TEB on 20 Jun 19. However, on 24 Aug 23, the applicant was approved for TEB with a service obligation end date of 23 Aug 27.

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 Sep 23 for comment (Exhibit D), and the applicant replied on 20 Sep 23. In his response, the applicant contended there is no record of a TEB application in Jun 19, because he was advised by his servicing MPF not to create an application at the time. He is requesting the request be approved because he was following the direction of his servicing MPF at the time, and to extend his service commitment at this point in his career would be a hardship.

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 not 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 does not substantiate the applicant’s contentions. The Board found no record the applicant applied for TEB in 2019 and has provided no evidence such as a letter from the MPF that supports his claim that he was misinformed or that he intended to transfer the education benefits to his dependent spouse at that time. Furthermore, according to the Benefits for Education Administrative Services Tool (BEAST) the applicant has since been approved for TEB and it appears he transferred the benefits to his dependent child and not his spouse. While the Board notes the applicant’s argument he would have transferred the benefits to his spouse in 2019 had he not been told otherwise, without any documentation to support his claim, the Board does not find the evidence sufficient to warrant relief. Therefore, the Board recommends against correcting the applicant’s records.

RECOMMENDATION

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

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-2023-02870 in Executive Session on 9 Jan 24:

Work-Product Panel Chair

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Work-Product Panel Member
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All members voted against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 31 Aug 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SP, w/atchs, dated 14 Sep 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 19 Sep 23.
- Exhibit E: Applicant's Response, w/atchs, dated 20 Sep 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.

4/22/2024

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