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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-02999

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: NO

APPLICANT'S REQUEST

He be allowed to transfer his Post-9/11 GI Bill Transfer of Education Benefits (TEB) to his children.

APPLICANT'S CONTENTIONS

On 8 Aug 11, he elected to transfer his educational benefits to his children and agreed to the additional four-year service obligation. However, after 21 years of service, on 1 Apr 14, he retired under the Voluntary Force Management and Temporary Early Retirement Authority Program before completing that commitment with the belief that his remaining service obligation would be waived and he would retain his TEB benefit. During the Transition Assistance Program briefing, when he asked about the TEB benefit, no one explained that waiving his commitment meant that he would be allowed to retire but would lose his TEB benefit. In fact, the Department of Veterans Affairs (DVA) regarded the TEB transfer as successfully completed several years after his retirement. In this regard, in May 09, he received notification from the DVA that his remaining Post-9/11 entitlement of 31 months and 7 days had been evenly distributed to his children. He heard nothing further until 2020 when his request for a Certificate of Eligibility for his daughter was denied and he was informed that he did not meet the TEB eligibility criteria due to an incomplete service obligation.

He would not have retired under this program had he known that his children would lose their TEB eligibility.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 2 Apr 11, according to DD Form 4, *Enlistment/Reenlistment Document, Armed Forces of the United States*, the applicant reenlisted for a period of five years. This established a DOS of 1 Apr 15.

On 8 Aug 11, according to the applicant's Benefits for Education Administrative Services Tool (BEAST) record, he submitted his application for TEB.

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On 9 Aug 11, according to his BEAST record, his TEB application was approved with a service obligation end date of 25 Mar 15.

On 8 Apr 13, the applicant signed DD Form 2648, *Preseparation Checklist for Active Component (AC), Active Guard Reserve (AGR), Active Reserve (AR), Full Time Support 9FTS), and Reserve Program Administrator (RPA) Service Members*, acknowledging he received Preseparation Counseling and understands the transition benefits available to him, to include education benefits (Post-9/11 GI Bill Chapter 33), (Montgomery GI Bill Chapter 30).

On 3 Sep 13, according to the *Statement of Understanding for Airmen Applying for Retirement/Separation under the Voluntary Force Management Program*, the applicant signed the Statement of Understanding (SOU) for retirement under the FY14 Voluntary Force Management Program acknowledging in paragraph 9 he may forfeit the transferred benefit and he must contact the DVA with questions regarding his Post-9/11 GI Bill Transferability.

On 16 Sep 13, according to document, *Retirement Commander Coordination*, he submitted a retirement application stating Best Interest of the Air Force under the FY13 Limited Active Duty Service Commitment (LADSC) Waiver Program.

On 3 Oct 13, Special Order Number **Work-Product** was published which reflects he is retired effective 1 Apr 14 in the grade of master sergeant (E-7).

According to the applicant's DD Form 214, *Certificate of Release or Discharge from Active Duty*, dated 1 Apr 14, he was honorably retired and credited with 21 years and 5 days of active service.

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

APPLICABLE AUTHORITY/GUIDANCE

PDSM 13-64, *FY14 Enlisted Voluntary Force Management Program*, 16 Jul 13: Attachment 1, *Enlisted FY14 Limited Active Duty Service Commitment (LADSC) Program*:

Waiverable ADSCs/Service Commitments and Recoupment Obligation: The ADSCs listed below may be waived under the LADSC Program.

ADSC Reason/Enlisted Service Obligation	ADSC Waiver Authorized (Note 4 applies)	Recoupment Required (Notes 1 through 3 apply)
Post 9/11 GI Bill Transfer to Dependents	Full	Yes (see note 1)

Notes:

1. Airmen who leave the Air Force under this voluntary separation program without completing their Post-9/11 GI Bill Active Duty Service Commitment *forfeit the transferred benefit, and any benefits that dependents used may be treated as an overpayment subject to recoupment by the Department of Veterans Affairs (DVA)*. Airmen who wish to retain their transfer benefit may reference Attachment 3, *Enlisted Palace Chase Program*, for continued service in the Guard or Reserve. For questions regarding the Post-9/11 GI Bill Transferability, contact the DVA at 1-888-GIBILL1 (1-888-442-4551).

4. The above ADSC will not be waived beyond the timeframe authorized in the chart above. There are No Exceptions.

PDSM 13-64, Attachment 3. *Statement of Understanding for Airmen Applying for Retirement/Separation under the Voluntary Force Management Program*, paragraph 9, I understand if I previously transferred Post-9/11 GI Bill benefits to eligible dependents and I leave the Air Force under this voluntary separation program without completing the associated Active Duty Service Commitment, depending on the force management program under which I'm separated; I may forfeit the transferred benefit, and any benefits that my dependents used may be treated as an overpayment subject to recoupment by the Department of Veterans Affairs (DVA). I understand I must contact the DVA at 1-888-GIBILL1 (1-888-442-4551) with questions regarding my Post-9/11 GI Bill Transferability.

AIR FORCE EVALUATION

AFPC/DP3SA 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 the applicant failed to meet the required service obligation. The applicant contends his record should be corrected to reflect the transfer of his GI Bill Benefits to his dependents. DMDC records reflect he applied for TEB on 8 Aug 11 and on 9 Aug 11 his application for TEB was approved with a service obligation end date of 25 Mar 15. On 13 Sep 13, he signed the FY14 Force Management Program SOU and he acknowledged he may forfeit the TEB benefit. On 16 Sep 13, he applied for retirement under the FY14 LADSC. Finally, on 1 Apr 14, he retired with the narrative reason for separation of "Vol Retirement: Sufficient Service for Retirement."

In accordance with (IAW) Air Force Instruction (AFI) 36-2306 AFGM2, *Voluntary Education Program*, A9.18.1.2, and Department of Defense Instruction (DoDI) 1341.13, *Post 9/11 GI Bill*, Enclosure 3, (3)(a)(1), members must agree to serve 4 additional years from the date of election.

Further, IAW PSDM 13-64, Attachment 1, Table, *Waiverable ADSCs/Service Commitments and Recoupment Obligation*, note 1 states, "Airman who leave the Air Force under this voluntary separation program with completing their Post-9/11 GI Bill Active Duty Service Commitment **forfeit** <emphasis added> the transferred benefit."

To grant relief would be contrary to the criteria established by the following law and DoD guidance: 38 USC §3319 - *Authority to transfer unused education benefits to family members*; and DoDI 1341.13.

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 31 Oct 23 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 not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DP3SP and finds a preponderance of the evidence does not substantiate the applicant's contentions. The applicant contends he would not have retired under the program had he known his dependents would lose their TEB eligibility. However, we note the applicant acknowledged when he signed the statement of understanding he would forfeit the transferred benefit if he did not complete the required service obligation. 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-2023-02999 in Executive Session on 9 Jul 24:

Work-Product Panel Chair

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 11 Sep 23.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 12 Oct 23.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 31 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.

4/2/2025

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Board Operations Manager, AFBCMR

Signed by: Work-Product

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