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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-03134

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COUNSEL: NONE

HEARING REQUESTED: NOT INDICATED

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 applied for TEB in September 2019. The system showed he needed to obtain two months of retainability. He contacted his local Military Personnel Flight (MPF), completed the TEB worksheet, and his extension paperwork. The MPF technician confirmed his records were updated and there was nothing else he needed to do. He never received a notification his benefits transfer was denied.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving master sergeant (E-7).

On 1 October 2003, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant entered the Regular Air Force.

On 2 January 2019, according to DD Form 4, the applicant reenlisted for a period of four years and one month giving him a date of separation (DOS) of 1 February 2023. According to block 7, *Previous Military Service Upon Reenlistment*, the applicant had 15 years, 3 months, and 1 day of total active military service.

On 15 March 2019, according to the Benefits for Education Administrative Services Tool (BEAST) print-out, provided by AFPC/DP3SA, the applicant applied for TEB, but on 19 April 2019 his request was rejected because he did not have the required retainability.

On 4 September 2019, a "Transfer of Education Benefits" print-out from the virtual Military Personnel Flight (vMPF) provided by the applicant, states that "In order to qualify for the TEB program you must reenlist and/or extend your current enlistment by two months."

On 13 September 2019, according to AF Form 1411, *Extension of Enlistment in the Air Force*, provided by the applicant, he requested a two-month extension for the purpose of "GI Bill or Continuation Pay." On that same date, his commander approved the extension.

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On 13 September 2019, the BEAST print-out, provided by AFPC/DP3SA, shows the applicant reapplied for TEB.

On 18 September 2019, the applicant signed AF Form 4406, *Post 9/11 G.I. Bill Transfer of Educational Benefits Statement of Understanding*.

On 24 October 2019, as noted on the BEAST print-out provided by AFPC/DP3SA, the applicant's TEB application was rejected because he did not secure the required retainability.

On 1 June 2024, according to Special Order Number [REDACTED], dated 15 November 2023, the applicant is projected to retire with 20 years and 8 months of active service for retirement.

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/DP3SP recommends denying the application. The Defense Manpower Data Center (DMDC) records show the applicant applied for TEB on 13 September 2019. The application was rejected, and the applicant was notified on 24 October 2019 because he failed to secure the required retainability within the application period. He initiated a two-month extension on 13 September 2019 updating his date of separation to 1 April 2013 [sic]. He required retainability to 12 September 2023 for TEB approval. In accordance with AFI 36-2649, A13.20.1.1. and A13.20.1.5., members must secure retainability, complete, and submit the required TEB Statement of Understanding within the 30-day application period.

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 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 31 October 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. 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. The Board notes, the applicant submitted two applications for TEB. The first application was submitted on 15 March 2019 and was rejected because he required two additional months of retainability. The second application was submitted on 13 September 2019 and while the applicant extended his enlistment on that date for two additional months, at that time he would have required seven months. However, based on e-mail traffic between the applicant and his MPF, it appears his MPF did not properly advise him of the additional months needed to obtain the four-year service commitment required from the date of his second TEB application. In this regard, the Board finds it more likely than not, this was a procedural error and not as evidence of an intent to abandon the transfer request. Given that the applicant, continued to serve up until his retirement of 1 June 2024, which ultimately exceeded the four-year service obligation from the date he submitted either application, the Board believes had the applicant been properly advised by his MPF, he would have extended the required number of months to secure his TEB benefits. Therefore, the Board recommends correcting the applicant's records as indicated below.
4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show on 13 September 2019, he elected and was approved to transfer his Post-9/11 GI Bill Educational Benefits to his dependents with an obligation end date of 12 September 2023.

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-2023-03134 in Executive Session on 9 July 2024:

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, Panel Chair

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, Panel Member

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, Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 25 September 2023.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 17 October 2023.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 31 October 2023.

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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.

9/26/2024

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Board Operations Manager, AFBCMR

Signed by:

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