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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-03392

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COUNSEL: NONE

HEARING REQUESTED: YES

### 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 was not aware that he could not transfer his benefits after leaving the service. He was informed the benefits would never expire. He understands it is a retention tool; however, he paid for the benefits when he joined the military and through every deployment he took for this country.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a former Air Force staff sergeant (E-5).

On 12 November 2002, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant entered active duty. On 15 December 2016, the applicant was honorably discharged from active duty. He served 14 years, 1 month and 4 days total active service and was credited with 7 years and 8 months of Foreign Service.

As noted in the documents provided by AFPC/DP3SA, the Defense Manpower Data Center (DMDC) shows no record the applicant applied for TEB.

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

### APPLICABLE AUTHORITY/GUIDANCE

**Directive-Type Memorandum (DTM) 09-003: Post 9/11 GI Bill**, Attachment 2, paragraph 3.a : Eligible Individuals. Any member of the Armed Forces on or after 1 August 2009, who, at the time of the approval of the individual's request to transfer entitlement to education assistance under this section, is eligible for the Post-9/11 GI Bill, and

(3)(a) For those individuals eligible for retirement on 1 August 2009, no additional service is required.

**AFI 36-2306, Voluntary Education Program**, dated 13 August 2010, Attachment 9.

A9.18. Transferability of unused benefits to dependents.

A9.18.7. Time for Transfer, Revocation, and Modification.

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A9.18.7.1. Time for Transfer. A member approved to transfer entitlement to educational assistance under this section may transfer such entitlement only while serving as a member of the Armed Forces when the transfer is executed.

A9.18.9. Transfer of Benefits Procedures. All requests and transactions will be completed through the TEB Web application at <https://www.dmdc.osd.mil/TEB/>. Airmen are responsible for correcting inaccurate information. Airmen may request certification of Post-9/11 GI Bill eligibility from the DVA's website prior to requesting to transfer of benefits.

A9.18.9.3. Once certifying officials have approved a request to transfer benefits, Airmen may print a hard copy of the certified TEB request for their personal records. Additional service commitments will be recorded in the appropriate personnel system(s). Additional service commitments resulting from transferring unused Post-9/11 GI Bill benefits begin on the date of request and are served concurrent with any other additional service commitment in effect at the time of the transfer or incurred at any time after the request to transfer benefits. Transfer of Post-9/11 GI Bill benefits, in and of itself, will not limit any other reenlistment option or incentive to which a member may be eligible.

A9.20. AFPC/DPS Specific Procedures (Active Duty) – Transfer of Benefits Option Responsibilities:

A9.20.1. MEMBERS MUST:

A9.20.1.3. Apply for this option through DMDC's (TEB) website (<https://www.dmdc.osd.mil/TEB/>).

## AIR FORCE EVALUATION

AFPC/DP3SA recommends denying the application. 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 DMDC shows no record the applicant applied for TEB. Without a request, eligibility for the program could not be established as DoDI 1341.13, *Post-9/11 GI Bill*, Enclosure 3 (3.a.) and AFI 36-2649\_AFGM2016-01, *The Air Force Voluntary Education Program* (A13.18.1.1.1.), cite the date of request as the date on which the appropriate service obligation would be applied. In accordance with DoDI 1341.13, Enclosure 3 [3.f.(1)] and AFI 36-2649\_AFGM2016-01 (A13.18.2., A13.18.7.2.2, A13.18.7.2.3., and A13.20.1.4), all requests for TEB must be submitted via the DMDC TEB web application while serving as a member of the Armed Forces. Additionally, eligible family members must be registered in the Defense Eligibility Enrollment Reporting System (DEERS) at the time of transfer.

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 20 November 2023 for comment (Exhibit D), but has received no response.

## FINDINGS AND CONCLUSION

1. The application was not 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. Also, the Defense Manpower Data Center shows no record the applicant applied for TEB. Without a

request, eligibility for the program could not be established. Further, the Board notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Department of the Air Force Instruction 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find the assertion supported by a preponderance of the evidence. The Board does not find it in the interest of justice to waive the three-year filing requirement. Therefore, the Board finds the application untimely and recommends against correcting the applicant's records.

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 Board recommends informing the applicant the application was not timely filed; it would not be in the interest of justice to excuse the delay; 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-2023-03392 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 against correcting the record. The panel considered the following:

Exhibit A: Application, DD Form 149, w/atchs, dated 16 October 2023.

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

Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 2 November 2023.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 20 November 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.

11/20/2024

X

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Board Operations Manager, AFBCMR

Signed by: Work-Product

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