



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-03422

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

He be allowed to transfer his Post-9/11 GI Bill Transfer of Education Benefits (TEB) to his dependents with an approved application date of 8 July 2019.

APPLICANT'S CONTENTIONS

From 17 October 2017 to 17 October 2020, he served on active duty as part of the Voluntary Limited Period of Active Duty (VLPAD) program. On 8 July 2019, he submitted a request to transfer his benefits, and his request was denied because he did not have enough time left on his commitment. As part of the VLPAD, he had no way to extend or show that he would continue his service. He had every intention of resuming service with the **Work-Product** Air National Guard (**Wor...**ANG) on 18 October 2020 and did so. In December 2022, he attempted to have the date changed to 8 July 2019, but was again denied. In addition, he provides e-mail traffic that shows the date of his initial request to transfer his benefits and subsequent denial.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air National Guard (ANG) captain (O-3).

On 7 December 2002, according to DD Form 4/1, *Enlistment/Reenlistment Document Armed Forces of the United States*, the applicant entered the Air Force and joined the **Work...**ANG.

On 18 December 2014, NGB Form 22, *Report of Separation and Record of Service*, shows the applicant was discharged in the grade of technical sergeant (E-6) after completing 12 years and 12 days of net service. The reason for his separation was incompatible status or change of military affiliation and appointment as an officer in the ANG.

On 19 December 2014, according to Special Order (ANG) **Work-Prod...**, published on 23 December 2014, the applicant was appointed a second lieutenant (O-1) in the **Work...**ANG.

On 1 June 2017, AF IMT 125, *Application for Extended Active Duty with the United States Air Force*, shows the applicant applied for an active-duty position as part of the VLPAD Program.

On 17 October 2017, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant entered a period of active duty and on 17 October 2020, was honorably released from active duty and transferred to the Air Force Reserve in the grade of captain.

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Controlled by: SAF/MRB
CUI Categories: **Work-Product**
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

On 18 October 2020, according to Special Order (ANG) [Work-Product], the applicant was appointed in the ANG in the grade of captain.

On 8 December 2022, according to the Defense Manpower Data Center (DMDC) the applicant applied for TEB, and his application was approved on 26 April 2023.

On 2 March 2023, the applicant signed DAF Form 4406, *Post 9/11 G.I. Bill Transfer of Educational Benefits Statement of Understanding (SOU)*. The applicant acknowledged he would incur a service obligation of four years, and a Selected Reserve Service Commitment (SRSC) would be updated in his records. The Guard Component date reflects 7 December 2026.

On 15 November 2023, Reserve Order [Work-Product] was published and shows the applicant was relieved from the [Work-Product] ANG and placed on the USAF Reserve Retired List on 10 March 2024.

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.

DAFI 36-2008, *Voluntary Limited Period of Active Duty (VLPAD) for Air Reserve Component (ARC) Service Members and the Career Intermission Program*

1.3. Voluntary Limited Period of Active Duty (VLPAD) for Air Reserve Component (ARC) Members. The VLPAD program provides members of the ANG and AFR the opportunity to temporarily help meet RegAF requirements for trained, career-oriented members in particular grades and skills in accordance with Title 10 United States Code (USC) Sections 12301(d) and 12311, Active-duty agreements.

3.1.1. Voluntary Limited Period of Active Duty (VLPAD). Allows USAF ARC members trained in specific AFSCs the opportunity to volunteer for EAD for three years and one day to fill vacant funded AD authorizations. This program is intended to minimize mission impact due to shortages in constrained AFSCs while aiding RegAF end strength. Note: The VLPAD program is not applicable to the USSF.

3.1.1.2. Members must be from the Selected Reserve of the AFR or ANG. (T-0). Note: Members of the ANG must transition to the Ready Reserve to participate in VLPAD.

3.1.1.3. Members must have a conditional release from the ARC before the application will be processed. (T-1) Note: Requests must be coordinated with the appropriate career field AFRC CFM/MFM, AF/REP, and approved by the AFRC/CD for AFR members.

3.1.1.7. ARC members completing a VLPAD tour are not guaranteed return rights to the ARC position the member left. Members who wish to transfer to an ARC position upon completion of the ARC member's VLPAD tour must contact an in-service recruiter to apply for ARC assignment consideration. (T-1) Members without an approved application prior to the member's date of separation will be transferred to the IRR. (T-1)

DAFI 36-3211, *Military Separations*

13.8.1.4. ANG members who are to be placed on VLPAD or other specific EAD program orders will be separated from the state and transferred to the regular component. (T-1) The member will not be discharged. (T-1) The FSS will comply with the instructions contained on the EAD orders. (T-1)

AIR FORCE EVALUATION

NGB/A1Y recommends denying the application. A review of the automated records management system (ARMS) showed no evidence of the applicant signing a DAF Form 4406, *Statement of Understanding*. The applicant's original request was denied by the active-duty component on 9 September 2019 because he did not commit to the required additional service time. In accordance with DoDI 1341.13, paragraph 3.a. "The Service member must agree to serve four additional years in the Military Services, NOAA Corps, or PHS from the date of election. Eligibility does not guarantee approval."

According to a DMDC printout on 8 July 2019, the applicant applied for TEB, but his application was rejected on 24 September 2019. The reason for rejection states "SM has not committed to the required additional service time."

Based on the documentation provided by the applicant and analysis of the facts, the ANG has no jurisdiction to adjust RegAF TEB request.

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 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 NGB/A1Y against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant's contentions. In this regard, the Board believes the applicant's original request for TEB was erroneously disapproved because he was serving on a VLPAD tour and unable to commit to a four-year active duty service commitment. However, this should not have prevented the applicant from being allowed to commit to a four-year military service obligation. In accordance with DoDI 1341.13, *Post-9/11*

GI Bill, members who transfer education benefits must agree to serve four additional years in the Military Services (active or Selected Reserve) from the date of election without a break in service. While the VLPAD tour is a unique program that allows members of the ARC to enter a limited period of active duty service, it can also prohibit them from obtaining the four years of retainability normally required, prior to the transfer of education benefits. This is a result of the member being unable to extend their active duty service (due to the limited period of service allowed by a VLPAD tour) and the fact that while on the VLPAD tour they are no longer assigned to a Selected Reserve position. However, the Board believes when the applicant originally requested TEB, his application should have been approved and only if he failed to fulfill the service obligation should the transfer of education benefits been later revoked. Furthermore, on 18 October 2020 the applicant transitioned back to the **Wor...** ANG after completion of his VLPAD tour with no break in service and has continued to serve satisfactorily until his 10 March 2024 retirement. Therefore, the Board finds the applicant has fulfilled the four-year service obligation required for the successful transfer of benefits and 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 8 July 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 7 July 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-2023-03422 in Executive Session on 9 July 2024:

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 18 October 2023.

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

Exhibit C: Advisory Opinion, NGB/A1Y, w/atchs, dated 6 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.

1/28/2025

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Board Operations Manager, AFBCMR

Signed by: **Work-Product**

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