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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-03750

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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 made his first attempt to transfer his benefits in May 2019, three months into a four-year service commitment. He was unable to successfully complete the TEB request because his paperwork for an enlistment extension was not processed properly within his organization.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a currently serving Air Force Reserve (AFR) technical sergeant (E-6).

On 5 February 2002, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant entered the Air Force Reserve for a period of six years.

On 2 February 2019, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant reenlisted in the AFR for a period of four years.

On 29 May 2019, as noted in the documents provided by ARPC/DPAT, the applicant applied for TEB.

On 11 July 2019, AF Form 1411, *Extension of Enlistment in the Air Force*, provided by the applicant shows he signed and requested an eight-month extension for the purpose of GI Bill or Continuation Pay; however, section IX, *Unit Commander*, does not show the commander made a recommendation to approve or disapprove and was not signed by the applicant's commander.

On 18 September 2019, according to the documents provided by ARPC/DPAT the 29 May 2019 TEB application was rejected. The reason indicates "SM needs to contact Service Representative to resolve status."

On 3 February 2021, as noted in the documents provided by ARPC/DPAT, the applicant reapplied for TEB and on 10 March 2021, the TEB application was rejected because he did not secure the required retainability or complete the SOU.

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According to AF Form 1411, on 24 October 2022, the applicant extended his enlistment entered on 1 February 2019 for a period of 4 years by a period of 13 months for the purpose of sanctuary. His date of separation (DOS) of 1 February 2023 was extended to 1 March 2024. On 26 October 2022, his request was approved.

On 3 August 2023, according to Reserve Order [Work-Product], dated 3 August 2023, the applicant was relieved from his current assignment, assigned to the Retired Reserve Section ZA and placed on the USAF Reserve Retired List effective 1 March 2024 in the grade of technical sergeant.

According to the Retrieval Applications Web (RAW), the applicant's Mandatory Separation Date reflects 1 March 2035.

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**

ARPC/DPAT 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. The applicant did not obtain retainability within the suspense date. The Benefits for Education Administrative Services Tool (BEAST) and myFSS system indicates the applicant submitted TEB requests on two separate occasions. The first request was submitted on 29 May 2019. The applicant was notified he needed to extend his enlistment to meet the four-year retainability requirement for the TEB request IAW DoDI 1341.13. The applicant requested an extension for his myFSS TEB ticket and was granted two extensions which extended his myFSS TEB ticket to 13 September 2019. His enlistment extension was not processed in time resulting on his TEB request being denied on 18 September 2019. The second request occurred on 3 February 2021. The applicant was notified on 9 February 2021 he needed to extend his enlistment to meet the four-year TEB retainability requirement. The applicant failed to do so, and he was denied on 10 March 2021.

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 8 January 2024 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 ARPC/DPAT against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant's contentions. The applicant applied for TEB on 29 May 2019 and would have needed to extend his enlistment to meet the retainability requirement to fulfill the four-year service obligation associated with TEB. The applicant requested an extension; but the extension was not processed properly within his organization in a timely manner resulting in his TEB request being denied. However, based on the applicant's 24 October 2022 extension and his retirement date of 1 March 2024, the applicant would have fulfilled the service obligation had his 29 May 2019 application been approved. In addition, according to AF Form 418, *Selective Reenlistment Program (SRP) Consideration/Denial of Continued Service for Airmen*, provided by the applicant, his commander recommended denying the applicant the opportunity to extend/reenlist because he never was able to obtain a top-secret clearance. However, the applicant appealed the decision and since the applicant was within two years of being able to retire, he claimed sanctuary and was eventually able to extend to his retirement of 1 March 2024, but this extension was not approved until more than two years after he initially applied for TEB. Therefore, the Board finds the applicant met the intent of the program and has fulfilled the military service obligation required for TEB and to deny would be a detriment to the applicant. 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 29 May 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 28 May 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-2023-03750 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 31 October 2023.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, ARPC/DPAT, w/atchs, dated 4 January 2024.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 8 January 2024.

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.

9/27/2024

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Board Operations Manager, AFBCMR

Signed by:

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