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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-04021

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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 informed of his eligibility to apply for TEB but was not provided written or verbal guidance or TEB qualification requirements. He was never notified during or after his active service that he was ineligible for TEB and did not know about his eligibility denial until 15 August 2023.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force technical sergeant (E-6).

On 3 November 1999, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant entered the Air Force beginning in pay grade airman basic (E-1).

On 10 July 2003, according to AF Form 1411, *Extension or Cancellation of Extensions of Enlistment in the Regular Air Force/Air Force Reserve*, the applicant extended his current enlistment entered on 3 November 1999 for a period of 4 years be extended for a period of 23 months to "Qualify for Retraining." His date of separation (DOS) of 2 November 2003 was extended to 2 October 2005. His request was approved on 11 July 2003.

On 26 October 2007, according to AF Form 1411, the applicant extended his current enlistment entered on 9 January 2004 for a period of six years be extended for a period of two months for the purpose of "PCS Assignment." His date of separation (DOS) of 8 January 2010 was extended to 8 March 2010. His request was approved on 26 October 2007.

On 8 March 2010, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant was honorably discharged from active duty. He served 10 years, 4 months and 6 days total active service.

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Controlled by: SAF/MRB

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Limited Dissemination Control: N/A

POC: SAF.MRBC.Workflow@us.af.mil

On 26 February 2010, according to the Benefits for Education Administrative Services Tool (BEAST) print-out, provided by AFPC/DP3SA, the applicant applied for TEB. On 16 March 2010, his request was rejected because he did not have the required retainability.

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) shows the applicant applied for TEB on 26 February 2010. The applicant separated from service on 8 March 2010. The application was rejected on 16 March 2010, because he could not secure the required retainability due to separation. In accordance with Directive-Type Memorandum (DTM) 09-003: *Post-9/11 GI Bill*, Attachment 2 [3.a.(1)] and AFI 36-2306_AFGM1, *The Education Service Program* [18.a.(2)], to secure TEB approval, members must agree to serve four additional years from the date of 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 applicant did not secure the required retainability and separated on 8 March 2010.

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 29 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 not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DP3SA and finds

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a preponderance of the evidence does not substantiate the applicant's contentions. The Board notes the applicant failed to secure the required retainability for TEB. Therefore, the Board 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 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-2023-04021 in Executive Session on 13 August 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/atch, dated 2 December 2023.

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

Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 22 January 2024.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 29 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.

4/15/2025

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Board Operations Manager, AFBCMR

Signed by:

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