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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-00041

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COUNSEL: NONE

HEARING REQUESTED: NOT INDICATED

APPLICANT'S REQUEST

She be allowed to transfer her Post-9/11 GI Bill Transfer of Education Benefits (TEB) to her dependents.

APPLICANT'S CONTENTIONS

She is soon to retire at her high year tenure (HYT) with a date of separation (DOS) of 10 June 2025. She would like to ensure her dependent receive her benefits.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving technical sergeant (E-6).

On 10 June 2003, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant entered the Regular Air Force.

On 9 March 2018, according to DD Form 4, the applicant reenlisted for five years and one month beginning in the pay grade of technical sergeant. According to block 7, *Previous Military Service Upon Reenlistment*, the applicant had 14 years, 8 months and 29 days of total active military service.

On 17 June 2019, according to the Benefits for Education Administrative Services Tool (BEAST) print-out, provided by AFPC/DP3SA, the applicant applied for TEB. On 6 August 2019, her request was rejected because she did not have the required retainability.

On 21 February 2023, according to DD Form 4, the applicant reenlisted for an unspecified period of time beginning in the pay grade of technical sergeant. According to block 7, *Previous Military Service Upon Reenlistment*, the applicant had 19 years, 8 months and 11 days of total active military service.

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

APPLICABLE AUTHORITY/GUIDANCE

Service members enrolled in the Post-9/11 GI Bill Program are able to transfer unused educational benefits to their dependent spouses or children. Any member of the Armed Forces, active duty or

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Selected Reserve, officer or enlisted, on or after 1 August 2009, who is eligible for the Post-9/11 GI Bill, has at least six years of service in the Armed Force on the date of election, and agrees to serve 4 additional years in the Armed Forces from the date of election; or has at least 10 years of service on the date of election, is precluded by either standard policy (Service or DoD) or statute from committing to 4 additional years, and agrees to serve for the maximum amount of time allowed by such policy or statute, can transfer their unused Post-9/11 GI Bill educational benefits to their dependents (Title 38 USC, Chapter 33, § 3319(b)(1)). Title 38 USC, Chapter 33, § 3319(f)(1) adds that the transfer of such entitlement can only be done while serving as a member of the Armed Forces when the transfer is executed.

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 applicant did secure the required retainability [sic]. The Defense Manpower Data Center (DMDC) records show the applicant applied for TEB on 17 June 2019. The application was rejected on 6 August 2019 because she failed to secure the required retainability. In accordance with Department of Defense Instruction (DoDI) 1341.13, Incorporating Change (IC) 1: *Post-9/11 GI Bill*, Enclosure 3 [3.a.(1)] and AFI 36-2649_AFGM2019-01, *Air Force Voluntary Education Program* (A13.18.1.1.1. and A13.20.1.5.), members must secure and agree to serve four additional years from the date of election. To secure TEB approval, the applicant required retainability to 16 June 2023. The date of separation on the date of rejection was 8 April 2023.

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 12 February 2024 for comment (Exhibit D), and the applicant replied on 16 February 2024. In her response, the applicant contended after review of the evidence, she overlooked email correspondence that was sent to her. It was her belief that her request for TEB on 17 June 2019 was approved. She provided a copy of her DD Form 4 with a reenlistment date of 9 March 2018 showing evidence she has retainability. Her current reenlistment date was on 23 February 2023.

The applicant's complete response is at Exhibit E.

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 found the applicant requested TEB on 17 June 2019 and the application was rejected on 6 August 2019 because she did not secure the required retainability. As such, the Board finds the failure to sign the SOU should be regarded as a procedural defect only and not as evidence of an intent to abandon the transfer request. Given the applicant has continued to serve beyond the four-year service commitment from the date she originally applied for TEB and contracting her last enlistment on 21 February 2023 for an unspecified amount of time, 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 17 June 2019, her application to transfer her Post-9/11 GI Bill Educational Benefits to her dependents was approved with a service obligation end date of 16 June 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-2024-00041 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 to correct the record. The panel considered the following:

Exhibit A: Application, DD Form 149, w/atchs, dated 6 December 2023.

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

Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 6 February 2024.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 12 February 2024.

Exhibit E: Applicant's Response, w/atchs, dated 16 February 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.

1/3/2025

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Board Operations Manager, AFBCMR

Signed by:

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