



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-00311

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NOT INDICATED

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 is a retired Air Force veteran who served for 24 years. During his time in the service, he never had the opportunity to transfer his benefits to his children. He had to either extend his enlistments or when he was able to reenlist, he could not - due to high year tenure. He earned the benefit and should be able to use it.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force master sergeant (E-7).

On 21 August 1991, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant entered active duty.

On 23 June 2015, the Secretary of the Air Force determined the applicant served satisfactorily in the higher grade of master sergeant and directs the applicant's advancement to that grade on the retired list effective the date of completion of all required service.

On 31 August 2015, the applicant was honorably released from active duty in the grade of technical sergeant (E-6) and retired on 1 September 2015. He served 24 years and 10 days total active service. His narrative reason for separation reflects "Vol Retirement: Maximum Service or Time in Grade."

According to Special Order Number Work-Product (Amendment Action), dated 30 June 2015, the applicant was relieved from active duty on 31 August 2015 and retired on 1 September 2015. Effective 21 August 2021, the applicant was advanced to the grade of master sergeant on the USAF Retired List by reason of completing a total of 30 years of active service plus service on the Retired List on 20 August 2021.

According to the Benefits for Education Administrative Services Tool (BEAST), provided by AFPC/DP3SA, the document 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.

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Controlled by: SAF/MRB

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Limited Dissemination Control: N/A

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

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 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 Defense Manpower Data Center (DMDC) shows no record the applicant applied for TEB.

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, *Voluntary Education Program* (A13.18.1.1.), cite the date of request as the date on which the appropriate service obligation would be applied.

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 6 May 2024 for comment (Exhibit D), but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed. The Board also 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)*.
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. 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-2024-00311 in Executive Session on 13 August 2024:

Work-Product, Panel Chair

Work-Product, Panel Member

Work-Product, Panel Member

All members voted against correcting the record. The panel considered the following:

Exhibit A: Application, DD Form 149, w/atchs, dated 25 October 2023.

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

Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 24 April 2024.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 6 May 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: Work-Product

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