



Work-Product

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-00614

Work-Product

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 applied for TEB in February 2018 and his request was denied because he did not sign the Statement of Understanding (SOU). He does not recall receiving any request requiring him to sign the SOU or any correspondence showing his request was denied. He never attempted to use any portion of his GI Bill, and his daughter enrolled in college with the understanding he had made provisions for her to attend with the transferred benefit. He initiated the transfer of benefits and if he had been aware of the required SOU, he certainly would have completed.

The applicant’s complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 4 June 2002, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant entered active duty.

On 4 October 2012, according to DD Form 4, *Enlistment/Reenlistment Document Armed Forces of the United States*, the applicant reentered the Regular Air Force for a period of six years in the pay grade of technical sergeant. His previous military service upon reenlistment reflects 10 years and 4 months. Based on his enlistment date the applicant would have been given an approximate date of separation (DOS) of 3 October 2018.

On 5 February 2018, according to the Benefits for Education Administrative Services Tool (BEAST) print-out, provided by AFPC/DP3SA, the applicant applied for TEB. On 12 March 2018, his request was rejected because he did not have the required retainability.

On 3 November 2020, according to AF Form 1411, *Extension of Enlistment in the Air Force*, the applicant requested his reenlistment entered into on 14 September 2018 for a period of 3 years be extended a period of 10 months for the purpose of Assignment. Based on the extension the applicant’s 13 September 2021 DOS was extended to 13 July 2022.

On 31 July 2022, according to Special Orders Number Work-Product, the applicant was relieved from active duty and retired effective 1 August 2022 in the grade of technical sergeant. He served

20 years, 1 month and 27 days active service for retirement. On the same date, according to DD Form 214, the applicant was honorably released from active duty in the grade of technical sergeant (E-6) and retired on 1 August 2022. His narrative reason for separation reflects “Sufficient Service for Retirement.”

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 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 Forces 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 not secure the required retainability within the application period.

The Defense Manpower Data Center (DMDC) records show the applicant applied for TEB on 5 February 2018. The application was rejected 12 March 2018, because he failed to secure the required retainability within the application period. In accordance with AFI 36-2649_AFGM 2016-01, *Air Force Voluntary Education Program* (A13.18.1.1.1, A13.20.1.1., A13.20.1.5., and A13.20.1.6), members must secure 4 years retainability (from the date of application), complete, and submit the required TEB SOU within 30 days of the Initial Notification. myFSS historical records show the member was sent the Initial Notification on 6 February 2018, and reminders on 16 February 2018 and 8 March 2018.

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 26 March 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 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 5 February 2018. His application was rejected on 12 March 2018 because he 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 continued to serve beyond the four-year service commitment from the date he originally applied for TEB and retiring on 1 August 2022, he met the intent of the program. 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 5 February 2018, his application to transfer his Post-9/11 GI Bill Educational Benefits to his dependents was approved with a service obligation end date of 4 February 2022.

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-2024-00614 in Executive Session on 12 November 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 2 February 2024.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 18 March 2024.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 26 March 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.

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Board Operations Manager, AFBCMR

Signed by: Work-Product