



UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-00796

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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 dependent.

APPLICANT'S CONTENTIONS

When he transferred his education benefits to his son in 2010, it was not known to him that he needed to allocate one month to his dependent to pass on the benefit. In 2015, he created an account with the Department of Veterans Affairs (VA), which reflected his Post-9/11 eligibility. He used four months of his benefits in 2016, which again showed his benefits as Post-9/11 eligible. He further states, he is a widow and has raised his son alone since he was two years old. He served in Iraq and Afghanistan. He has served his country honorably and ask this error to be corrected.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 5 July 2000, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant entered active duty.

According to the Benefits for Education Administrative Services Tool (BEAST), provided by AFPC/DP3SA, the document shows no record the applicant applied for TEB.

On 8 September 2015, according to DD Form 214, the applicant was honorably released from active duty in the grade of technical sergeant. He served 15 years, 2 months and 4 days total active duty. The applicant's narrative reason for separation reflects "Non-Retention on Active Duty."

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

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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. Without a request, eligibility for the program could not be established as Directive-Type memorandum (DTM) 09-003: *Post-9/11 GI Bill*, Attachment 2 [3.a.(1)] and AFI 36-2306 AFGM1, *The Education Services Program* [18.a.(2)], cite the date of request as the date on which the appropriate service obligation would be applied. Additionally, in accordance with 38 U.S.C., Section 3319 (f)(1) and DTM 09-003, Attachment 2 [3.g.(1) and 3.i.], all requests for TEB must be submitted via the DMDC TEB web application while serving as a member of the Armed Forces.

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.
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. The Board notes, there is no record in the DMDC that the applicant applied for TEB. 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)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find the assertion supported by a preponderance of the evidence. The Board does not find it in the interest of justice to waive the three-year filing requirement. 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-2024-00796 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/atchs, dated 18 December 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.

4/8/2025

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Board Operations Manager, AFBCMR

Signed by:

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