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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-00832

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COUNSEL: NONE

HEARING REQUESTED: NO

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

He requests approval of his 3 March 2016 TEB application. All documents were provided, and a reenlistment completed for the required service commitment. The TEB application is a major factor in his daughter's future education and would impact their future without it.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 10 October 2000, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant enlisted in the Regular Air Force for four years in the grade of airman basic.

On 24 January 2013, according to the Benefits for Education Administrative Services Tool (BEAST), printout provided by AFPC/DP3SA, the applicant applied for TEB, and his request was denied on 25 February 2013 because he did not have the required retainability.

On 21 March 2014, according to DD Form 4, the applicant reenlisted in the Regular Air Force for five years and two months beginning in the pay grade of technical sergeant. His previous military service upon enlistment/reenlistment reflects 13 years, 5 months and 11 days.

On 10 June 2014, AF Form 4406, *Post-9/11 GI Bill Transfer of Educational Benefits Statement of Understanding (SOU)*, the applicant acknowledged with the Active-Duty Component, he would incur a service obligation of four-years, and an Active-Duty Service Commitment (ADSC) would be updated in his records. The Active-Duty Component date reflects 24 January 2017.

On 17 December 2014, according to AF Form 1411, *Extension of Enlistment in the Air Force*, the applicant requested his enlistment he entered on 21 March 2014, for a period of five years and two months be extended a period of two months for the purpose of "Qual for OCONUS Assignment." His DOS of 20 May 2019 was extended to 20 July 2019.

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On 3 March 2016, according to the BEAST printout provided by AFPC/DP3SA, the applicant applied for TEB, and his request was denied on 4 April 2016, because he did not have the required retainability.

On 11 July 2018, according to DD Form 4, the applicant reenlisted in the Regular Air Force for 5 years and 12 months beginning in the pay grade of master sergeant.

On 3 November 2023, according to AF Form 1411, *Extension of Enlistment in the Air Force*, the applicant requested his enlistment be extended on 11 July 2018, for a period of 5 years and 12 months be extended a period of 4 months for the purpose of Retirement. His DOS of 10 July 2024 was extended to 10 November 2024.

On 31 October 2024, according to [REDACTED] *Work-Product* dated 13 December 2023, the applicant was projected to be relieved from active duty and retire on 1 November 2024 in the grade of master sergeant. His active service for retirement reflects 24 years and 21 days.

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 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 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 failed to secure the required retainability. The Defense Manpower Data Center (DMDC) records show the applicant applied for TEB on 24 January 2013. The application was rejected on 25 February 2013 because he failed to secure the required retainability for application approval. The date of separation on the date of rejection was 7 June 2014. He required a service commitment to 23 January 2017. He reapplied on 3 March 2016. The application was rejected on 4 April 2016 because he failed to secure the required retainability for application approval. The date of separation on the date of rejection was 20 July 2019. He required retainability to 2 March 2020. In accordance with AFI 36-2649 AFGM2016-01, *Air Force Voluntary Education Program* (A13.18.1.1.1. and A13.20.1.5.) members must secure and agree to serve 4 additional years from the date of application and submit the required TEB Statement of Understanding (SOU) within the 30-day application period. The TEB SOU completed and submitted on 10 June 2014 is invalid. The SOU is associated with the 24 January 2013 application and was submitted 16 months after the application period closed.

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 22 April 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 during the time period in question, the applicant requested TEB on 3 March 2016. His application was rejected on 4 April 2016 because he did not secure the required retainability. He required retainability to 2 March 2020. The applicant contracted his last enlistment on 11 July 2018 for a period of 5 years and 12 months. On 3 November 2023, he extended his enlistment for a period of 4 months. His DOS was extended from 10 July 2024 to 10 November 2024. The Board found the failure to provide an SOU for the contested time period 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 applied for TEB, the Board recommends correcting the applicant's records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show on 3 March 2016, his application to transfer his Post-9/11 GI Bill Educational Benefits to his dependents was approved with a service obligation end date of 2 March 2020.

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-2024-00832 in Executive Session on 13 August 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 1 March 2024.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 9 April 2024.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 22 April 2024.

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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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