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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01290

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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 dependents.

APPLICANT'S CONTENTIONS

He applied for TEB on 12 August 2021 and the application was rejected because the system did not record his retainability within the application window. His date of separation (DOS) at the time of rejection was 20 August 2023. He was required to obtain retainability to 11 August 2025 and he obtained retainability to 20 August 2025. He reapplied for TEB on 30 September 2021 and the application was again rejected because the system did not record his retainability within the application window.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 15 May 2012, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant entered the Regular Air Force.

On 12 August 2021, as noted in the documents provided by AFPC/DP3SA, the applicant applied for TEB. On 13 September 2021, the applicant's TEB application was rejected because he did not secure the required retainability.

On 14 September 2021, according to AF Form 1411, *Extension of Enlistment in the Air Force*, the applicant requested his current enlistment he entered on 21 December 2017, for a period of four years and five months be extended a period of 24 months for the purpose of GI Bill or Continuation Pay. His DOS of 20 August 2023 was extended to 20 August 2025.

On 30 September 2021, as noted in the documents provided by AFPC/DP3SA, the applicant applied for TEB. On 1 November 2021, the applicant's TEB application was rejected because he did not secure the required retainability.

On 8 October 2021, according to AF Form 1411, *Extension of Enlistment in the Air Force*, the applicant requested his current enlistment he entered on 21 December 2017, for a period of four years and five months be extended a period of one month for the purpose of GI Bill or Continuation Pay. His DOS of 30 August 2025 was extended to 30 September 2025.

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

APPLICABLE AUTHORITY/GUIDANCE

DoDI 1341.13, *Post-9/11 GI Bill*, Enclosure 3, Paragraph 3, dated 31 May 2013 states: Any service member on or after 1 August 2009, who is entitled to the Post-9/11 GI Bill at the time of the approval of his or her request to transfer entitlement under this section, may transfer entitlement provided he or she has at least 10 years of service in the Military Services (active duty or Selected Reserve) on the date of approval, is precluded by either standard policy (Service or DoD) statute from committing to four additional years, and agrees to serve for the maximum amount of time allowed by such policy or statute. (Note - this provision uses the same language as AFI 36-2649, *Voluntary Education Program*, paragraph A13.18.1.1.2 paragraph 3.a.(2)). The effect of this paragraph is the elimination of the retainability requirement for members who have at least 10 years of service, who are subject to early separation due to policy or statute, and who agree (or would have agreed) to serve the maximum time allowed.

AIR FORCE EVALUATION

AFPC/DP3SA recommends denying the application. The Defense Manpower Data Center (DMDC) records show the applicant applied for TEB 12 August 2021 and 30 September 2021. The applications were rejected on 13 September 2021 and 1 November 2021, respectively, because he failed to secure the required retainability within the application period. In accordance with DoDI 1341.13, Incorporating Change (IC) 1, *Post-9/11 GI Bill*, Enclosure 3 [3.a. and 3.a.(1)] and AFI 36-2670 AFGM2020-03, *Total Force Development* [6.11.15.1.1.1. and 6.11.15.1.1.2.], to secure TEB approval, members must be eligible to be retained for and agree to serve four years from the date of election.

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 retainability within the application period.

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 3 June 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 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 notes the applicant initially applied for TEB on 12 August 2021. Given the applicant continued to serve since he initially applied for TEB and still serves to this day, the Board finds the applicant 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 12 August 2021, he elected to transfer his Post- 9/11 GI Bill Education Benefits to his dependents with a service obligation end date to 11 August 2025.

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-2024-01290 in Executive Session on 13 August 2024:

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III, Panel Chair
Panel Member
Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 3 April 2024.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 30 May 2024.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 3 June 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.

4/3/2025

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