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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01598

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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

The applicant requested TEB at the time of his discharge. He recently discovered there was no denial or approval regarding his request in the system.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force Reserve (AFR) technical sergeant (E-6).

On 25 June 1993, according to DD Form 4/1, *Enlistment/Reenlistment Document Armed Forces of the United States*, the applicant enlisted in the AFR for a period of six years in the pay grade of airman basic.

On 3 January 1997, according to Reserve Order [REDACTED] the applicant transferred from the AFR to the Air National Guard (ANG).

On 30 March 2010, according to NGB Form 22, *Departments of the Army and the Air Force National Guard Bureau, Report of Separation and Record of Service*, the applicant received an honorable character of service and transferred to the AFR in the grade of staff sergeant. He served 16 years, 9 months, and 6 days total service for retired pay. The Authority and Reason reflects "Incompatible Status or Change of Military Affiliation, SPD: MGQ."

On 30 March 2010, according to Special Order [REDACTED] the applicant was honorably discharged from the ANG and assigned to the AFR effective 31 March 2010.

On 6 November 2011, according to DD Form 4/1, *Enlistment/Reenlistment Document Armed Forces of the United States*, the applicant reenlisted in the AFR for a period of four years in the pay grade of staff sergeant.

On 2 September 2013, according to Reserve Order [REDACTED], dated 2 May 2013, the applicant was relieved from his current assignment and assigned to the Retired Reserve Section and placed on the USAF Reserve Retired List.

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The Benefits for Education Administrative Services Tool (BEAST) print-out, provided by ARPC/DPAT, 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.

APPLICABLE AUTHORITY/GUIDANCE

For the first time in history, 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

ARPC/DPAT recommends denying the application. The applicant's myFSS account indicates no TEB submission. After reviewing the applicant's ARMS record, there is no Statement of Understanding (SOU) found which provides evidence of a TEB submission. Additionally, there are no records indicating approval or disapproval.

Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice. The applicant did not provide any documents indicating the TEB submission on or around 2 May 2013, and historical records do not show any documents for submission of a TEB request on or around 2 May 2013.

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 24 June 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 ARPC/DPAT and finds a preponderance of the evidence does not substantiate the applicant's contentions. 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-2024-01598 in Executive Session on 11 February 2025:

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 30 April 2024.

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

Exhibit C: Advisory Opinion, ARPC/DPAT, w/atchs, dated 12 June 2024.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 24 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.

4/8/2025

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Board Operations Manager, AFBCMR

Signed by: Work-Product