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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01684

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COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

Through his response to AFPC/DP3SA's recommendation dated 10 June 2024, his records be corrected to reflect on 28 November 2023, he was approved for Post-9/11 GI Bill Transfer of Education Benefits (TEB) to his spouse, had at least six years' time of service, signed the TEB Statement of Understanding (SOU), and agreed to serve an additional four years.

He be allowed to terminate the remainder of his reenlistment contract with a date of separation to be established six months from the Air Force Board for Correction of Military Records (AFBCMR) decision and waive recoupment of his Zone A, Multiple 5 Bonus based on four years of continued service in the Explosive Ordnance Disposal 3E851 Air Force Specialty Code, if his above request is denied.

APPLICANT'S CONTENTIONS

He was wrongly instructed by his squadron Command Support Staff (CSS) to reenlist for four years and one month without any agreement or reenlistment guarantee. The TEB was the sole reason for his reenlistment in October 2023. The CSS counseled him to apply online for TEB after filing for reenlistment. His request was subsequently denied 12 days later for ineligibility reasons. Specifically, for his pending/approved retirement or separation. He was instructed to apply again in December and was once again denied. He attempted other TEB requests within the 30-day window; however, by the time the Air Force Personnel Center (AFPC) records correctly reflected his reenlistment, his succeeding applications were denied since he could not fulfill his active-duty service commitment (ADSC) due to high year tenure (HYT) restrictions.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a senior airman (E-4).

On 17 October 2023, according to AF Form 901, *Reenlistment Eligibility Annex to DD Form 4*, provided by the applicant, he was honorably discharged from the United States Air Force for the sole purpose of immediate reenlistment on 18 October 2023, with no reenlistment guarantee made.

On 18 October 2023, according to the Benefits for Education Administrative Services Tool (BEAST), the applicant applied for TEB, the application was rejected and denied due to the

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ineligibility caused by his pending/approved separation. The applicant did not open or respond to the notification.

On 19 October 2023, according to electronic mail submitted by the applicant, he was advised by his CSS that his reenlistment on 18 October 2023 was his best course of action; however, he was currently ineligible for TEB. He was further advised, AFPC indicated he would be eligible and approved for TEB if he applies on 1 December 2023 and secures four years of retainability.

On 18 December 2023, 18 January 2024, and 23 February 2024, according to the BEAST, the applicant applied for TEB, and each application was rejected and denied due to his ineligibility caused by the required ADSC conflicting with his HYT. The applicant did not open or respond to the notification.

On 11 April 2024, according to electronic mail submitted by the applicant, the Total Force Service Center, advised him that although the provided reason for TEB ineligibility was incorrect, he was still ineligible for TEB on 18 October 2023, which was his application date. A member applying for TEB must have six years of service, agree to an additional four-year service commitment from the date of application and sign the SOU within the application window. A review of his records show he applied for TEB on 18 October 2023 and the application was denied on 30 October 2023 because he was ineligible due to not meeting the requirement of having six years of service. TEB eligibility is determined by the Total Active Federal Military Service Date (TAFMSD). His TAFMSD is 28 November 2017; therefore, making him eligible to apply for TEB on 28 November 2023.

On 2 July 2024, according to a memorandum submitted by the applicant, his section commander indicated on 11 April 2024, the myFSS Education Office informed the applicant that he was eligible for TEB on 28 November 2023. However, the applicant's CSS subsequently informed him that his eligibility date for TEB was 1 December 2023 rather than the actual date of 28 November 2023. This misinformation caused the applicant to miss his eligibility for TEB and retainability window for the Post-9/11 GI Bill TEB.

On 8 July 2024, according to a memorandum submitted by the applicant, his Flight Chief indicated on 8 March 2024, he reached out to the applicant's First Sergeant to discuss the applicant's options for TEB. The Flight Chief requested a HYT extension waiver for the applicant since there was no clarifying information for a senior airman that had six years TAFMS and needed four years retainability, but he never received a concrete answer.

For more information, see the advisory at Exhibit B.

AIR FORCE EVALUATION

AFPC/DP3SA recommends denying the application. The applicant's entire record was considered, including his submissions and all pertinent materials. Based on the documentation provided 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 the applicant applied for TEB on 18 October 2023, his application was rejected because he had less than six years of military service at the time of his application. In accordance with (IAW) Department of Defense Instruction (DoDI) 1341.13, *Post-9/11 GI Bill*, and Department of the Air Force Instruction (DAFI) 36-2670, *Total Force Development*, to be eligible for TEB, a member must have at least six years in the military services. Based on the applicant's TAFMSD of 28 November 2017, he was eligible to

apply for TEB on 28 November 2023. Moreover, the applicant's subsequent applications for TEB were rejected because he could not secure the required retainability due to HYT restriction. IAW DoDI 1341.13 and DAFI 26-2670, a member must agree to and not be precluded from serving four (4) additional years from the date of election for TEB. The applicant applied for TEB on 18 December 2023, 18 January 2024, and 23 February 2024, all of which precluded him from properly securing retainability, due to him reaching his HYT on 28 November 2027. The applicant was declared ineligible and/or could not secure the required retainability due to HYT.

The complete advisory opinion is at Exhibit B.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 25 June 2024 for comment (Exhibit C), and the applicant replied on 7 July 2024. In his response, the applicant reiterated he was wrongly instructed by his CSS to reenlist for four years and one month, without any agreement or reenlistment guarantee for TEB. He contended he was completely misled to apply for TEB after his required date of 28 November 2023. He is not a Personnel Specialist or Veterans Affairs program expert, but an Explosive Ordnance Disposal Airman. Therefore, he relies upon others to tell him when to accomplish paperwork. He trusted his CSS to tell him when to submit his TEB application and it has caused him a hard lesson. He initiated his reenlistment on 17 October 2023 for his spouse to be granted TEB. On 18 October 2023, he applied for TEB; however, it was denied. It was his belief the denial was in error. On 19 October 2023, he was advised he would be eligible to apply for TEB on 1 December, if he had four years of retainability. Mid November 2023, he was notified of the declining health of his mother-in-law and took emergency leave from 30 November 2023 until 15 December 2023, during this time he was not thinking of the 1 December suspense to apply for TEB. When he returned from emergency leave on 15 December 2023, AFPC had released Personnel Services Delivery Memorandum (PSDM) 23-139 for the HYT adjustment for Airman Basic through Senior Master Sergeant. It was his understanding that his HYT would be adjusted to 12 years, eliminating the issue with obtaining retainability for TEB. Also, on 18 December 2023, he reapplied for TEB and since he had just reenlisted for four years and one month, it was his further understanding that he had retainability for TEB. However, on 19 December 2023, he received another notification of ineligibility for TEB, indicating he did not have retainability due to his HYT. He attempted to do everything that he could to rectify the situation, to include his leadership initiating an exception to policy request to extend his HYT for TEB. With the absence of TEB, he and his wife are experiencing a significant financial hardship. He and his wife are unable to afford both full-day childcare and her college tuition, which is resulting in a delay of her educational goals by a minimum of three years.

The applicant's complete response is at Exhibit D.

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 not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DP3SP and finds a preponderance of the evidence does not substantiate the applicant's contentions. There is no evidence of an error or injustice on the part of the Air Force. The member was ineligible or could

not properly secure retainability from the date of his application for TEB. Therefore, the Board 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 evidence did not demonstrate material error or injustice, 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-2024-01684 in Executive Session on 5 March 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 7 May 2024.
- Exhibit B: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 10 June 2024.
- Exhibit C: Notification of Advisory, SAF/MRBC to Applicant, dated 25 June 2024.
- Exhibit D: Applicant's Response, w/atchs, dated 7 July 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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