



**UNITED STATES AIR FORCE  
BOARD FOR CORRECTION OF MILITARY RECORDS**

**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2024-01838

Work-Product

**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 10 April 2013. The request was denied on 6 May 2013 due to not having the required retainability. He was not aware of the denial as he never thought to inquire about it after the course/request were complete. He continued to serve for an additional four years from the request date but is now being told he is not eligible.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

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

On 12 June 1996, according to the applicant's DD Form 214, *Certificate of Release or Discharge from Active Duty*, he entered active duty.

On 8 August 2012, according to the applicant's DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, he reenlisted in the Regular Air Force for four years and one month beginning in pay grade E-6. His previous military service upon enlistment/reenlistment reflects 16 years, 1 month and 27 days.

On 10 April 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 6 May 2013 because he did not have the required retainability.

On 30 October 2015, according to DD Form 4, the applicant reenlisted in the Regular Air Force for 3 years and 10 months beginning in pay grade E-7. His previous military service upon enlistment/reenlistment reflects 19 years, 4 months and 18 days.

On 30 June 2017, according to DD Form 214, the applicant was discharged with an honorable character of service. He served 21 years and 19 days active service. His narrative reason for separation reflects "Vol Ret Sufficient Service for Retirement."

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Controlled by: SAE/MRB  
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Limited Dissemination Control: N/A  
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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**

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**

AFPC/DP3SA recommends denying the application. The Defense Manpower Data Center (DMDC) records show the applicant applied for TEB on 10 April 2013. The application was rejected on 6 May 2013, because he failed to secure the required retainability within the application period. In accordance with Directive-Type Memorandum (DTM) 09-003: Post 9/11 GI Bill, Attachment 2 [3.a.(1)] and AFI 36-2306\_AFGM2, *Voluntary Education* (A9.18.1.2. and A9.20.1.), members must secure and agree to serve four additional years from the date of election. The applicant required retainability to 9 April 2017. The date of separation on the date of rejection was 7 September 2016.

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 the required retainability for TEB approval. The next date of reenlistment was 30 October 2015, more than two years later.

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 8 July 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 period in question, the applicant requested TEB on 10 April 2013. Subsequently, his application was rejected on 6 May 13 because he did not secure the required retainability. Specifically, he required retainability to 9 April 2017. However, he retired effective 1 July 2017. Therefore, given the applicant fulfilled the four-year service commitment from the date he originally applied for TEB, the Board finds he met the intent of the program and to deny would be a detriment to the applicant. 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 10 April 2013, his application to transfer his Post-9/11 GI Bill Educational Benefits to his dependents was approved with a service obligation end date of 9 April 2017.

**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-2024-01838 in Executive Session on 11 March 2025:

- 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 20 May 2024.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 1 July 2024.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 8 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.

 Expired certificate

X **Work-Pr...**

**Work-Product**

Board Operations Manager, AFBCMR

Signed by: **Work-Product**