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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:**DOCKET NUMBER:** BC-2024-01903

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COUNSEL: NONE**HEARING REQUESTED:** NO

APPLICANT'S REQUEST

A waiver or correction be allowed to transfer his Post-9/11 GI Bill Transfer of Education Benefits (TEB) to his dependents.

APPLICANT'S CONTENTIONS

He served in the United States Navy Ready Reserve from 1988 to 1992 and used the Montgomery G.I. Bill at that time. During his active-duty time, after the inception of the Post-9/11 GI Bill, he was informed he would never be able to receive the benefits.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force major (O-4).

On 1 September 1994, according to the applicant's DD Form 214, *Certificate of Release or Discharge from Active Duty*, he entered active duty. On 31 January 2014, the applicant was discharged with an honorable character of service. He served 19 years and 5 months total active service and 7 months and 9 days total prior active service. His narrative reason for separation reflects "Maximum Service or Time in Grade."

On 31 January 2014, according to Special Orders Number **Work-Product**, dated 14 November 2012, the applicant was relieved from active duty and retired effective 1 February 2014 in the grade of major. He served 20 years and 9 days total active service for retirement.

The Benefits for Education Administrative Services Tool (BEAST) print-out, provided by AFPC/DP3SA, 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

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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) shows no record the applicant applied for TEB. Without a request, eligibility for the program could not be established, as DoD Instruction 1341.13, *Post-9/11 GI Bill*, Enclosure 3 [3.a.(1)] and AFI 36-2306_AFGM2, *Voluntary Education Program* (A9.18.1.2. and A9.18.9.3.), cite the date of request as the date on which the appropriate service obligation would be applied. In accordance with DoDI 1341.13, Enclosure 3 (3.h.) and AFI 36-2306 (A9.18.9., A9.20.1.3.), all requests for TEB must be submitted via the DMDC TEB web application while servicing as a member of the Armed Forces.

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. DMDC shows no record the applicant applied for TEB.

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 31 July 2024 for comment (Exhibit D), and the applicant replied on 25 August 2024. In his response the applicant requests consideration of a waiver of the USAF requirements for TEB. He is not citing error or injustice by the Air Force in his situation. He does not deny he did not apply for TEB. He understood and was informed by the representatives explaining the details of the Post-9/11 GI Bill. He reviewed his Air Force documents from the DMDC MilConnect website and was not able to find any documentation which supports himself or the Air Force. In December 2023, him and his wife paid off their student loans after 27 years. His goal is to help his son to not accrue the same amount of debt. He has earned the benefit and does not want to waste such a valuable asset.

The applicant's complete response is at Exhibit E.

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 AFPC/DP3SA 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

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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)*. 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-2024-01903 in Executive Session on 11 March 2025:

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, Panel Chair

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, Panel Member

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, Panel Member

All members voted against correcting the record. The panel considered the following:

Exhibit A: Application, DD Form 149, w/atchs, dated 25 May 2024.

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

Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 11 July 2024.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 31 July 2024.

Exhibit E: Applicant's Response, w/atchs, dated 25 August 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

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Board Operations Manager, AFBCMR

Signed by: Work-Product

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