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UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

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DOCKET NUMBER: BC-2024-01999

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

She be allowed to transfer her Post-9/11 GI Bill Transfer of Education Benefits (TEB) to her dependents.

APPLICANT'S CONTENTIONS

She was informed at the time of her separation in 2023, as long as her dependents were enrolled in the Defense Eligibility Enrollment Reporting System (DEERS), she had transferred her benefits to her dependent, and fulfilled the subsequent four-year active duty service commitment, she could manipulate or change which dependent received the benefit after he separated from the service. She was not informed she was required to transfer at least one month of the benefit to each dependent in order for them to be eligible. Nothing in the statute (38 U.S.C. Chapter 33, *Post-9/11 Educational Assistance*) requires each dependent to have one month of benefit allocated to them prior to separation to be eligible.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 14 October 2011, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant entered active duty.

On 25 September 2017, according to the Benefits for Education Administrative Services Tool (BEAST) print-out, provided by AFPC/DP3SA, the applicant applied for TEB. The application was approved on 24 October 2017 with an obligation end date of 24 September 2021.

On 28 June 2023, according to DD Form 214, the applicant received an honorable character of service. Type of Separation reflects "Resignation." She served 11 years, 8 months and 15 days total active service and was credited with 3 months and 24 days of Foreign Service. The narrative reason for separation reflects "Completion of Required Active Service."

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

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Controlled by: SAF/MRB
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Limited Dissemination Control: N/A
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APPLICABLE AUTHORITY/GUIDANCE

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 25 September 2017. The application was approved on 24 October 2017 with an obligation end date of 24 September 2021. In accordance with (IAW) Title 38, United States Code, Chapter 33, *Post-9/11 Educational Assistance* [§3319(e)(l) and (2)], an individual transferring an entitlement to educational assistance shall designate the dependent or dependents to whom such entitlement is being transferred and designate the number of months of such entitlement to be transferred to each such dependent. Additionally, IAW DoDI 1341.13: *Post-9/11 GI Bill*, Section 3 [3.3f.(1), 3.3.f.(2)(a), 3.3.g.(l)(a) and 3.3.g.(2)(a) l and 2] and DAFI 36-2670, *Total Force Development*, Incorporating Change 4 (6.11.15.3.), an individual must designate at least one month of entitlement to each eligible family member before separation or retirement and may only add new dependents to the transfer while serving in 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. When the applicant separated effective 28 June 2023, dependents with zero months allocated became ineligible.

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 12 August 2024 for comment (Exhibit D), and the applicant replied indicating AFPC/DP3SA cites DODI 1341.13, *Post 9/11 GI Bill*, Section 3 and DAFI 36-2670, *Total Force Development*, Incorporating Change 4 (6.11.15.3), as its basis for deeming her dependents ineligible for her benefits, but the agency is not allowed to bypass Congressionally established guidelines for determining benefit eligibility in favor of creating its own. Congress’ intent was clear in 38 U.S.C. § 3311 and § 3319 - if an individual completes six years of service, they are allowed to transfer their benefits to their dependents so long as they serve at least four more years of service. Further, according to Congress, the individual retains the right to modify or revoke their designations at any time. 38 U.S.C. § 3319(f)(2). At no point did Congress delegate the determination of Post 9/11 GI Bill eligibility requirements to the Defense Department or its subordinate agencies. Instead, Congress gave

agencies clear guidelines as to who was eligible and what was required of those individuals to transfer the benefits. As such, any eligibility requirements arbitrarily added by the Department of Defense or by the Air Force are expressly unlawful and should be ignored. Further, she served her country honorably for almost twelve years. During that time, sacrifices were willingly made. Her service was paving the way for her family to have a better life. All servicemembers sacrifice a great deal to serve; but like many others, she was willing to volunteer because of the benefits like the Post 9/11 GI Bill that she could pass along to her children. Withholding legitimately earned benefits from her dependents is completely unconscionable. Not only is it a direct contradiction to the AF values of Integrity, Service, and Excellence, it is an unprovoked slap in the face. That is an error, and it is fundamentally unjust.

The applicant's complete response is at Exhibit E.

FINDINGS AND CONCLUSION

1. The application was timely filed.

2. The applicant exhausted all other available administrative remedies 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 applicant states, any eligibility requirements arbitrarily added by the Department of Defense or by the Air Force are expressly unlawful and should be ignored. However, the guidance given in DoDI 1341.13: Post-9/11 GI Bill, Section 3 and DAFI 36-2670, Total Force Development, outlines the administrative requirements for ensuring Air Force records, under the purview of the SecAF, confirm that service members complete all necessary actions for transferability of education benefits, to include the condition that the service member has designated at least one month of entitlement to each eligible family member before separation or retirement. The Board notes the applicant did not provide any evidence nor was there any evidence in her record that shows when she separated on 28 June 2023, each of her family members were allocated one month of entitlement. Thus, the family members with no months allocated became ineligible upon her separation. 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-2024-01999 in Executive Session on 27 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:
the following:

Exhibit A: Application, DD Form 149, w/atchs, dated 2 June 2024.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 30 July 2024.
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 12 August 2024.
Exhibit E: Applicant's Response, w/atchs, not dated.

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.

10/21/2025

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Associate Director, AFBCMR
Signed by: USAF