



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-02518

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

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

His application for TEB was initiated on 22 May 2012 and the DAF Form 4406, *Statement of Understanding*, was executed at the same time but never filed by the proper agencies. Following the attempt to transfer his benefits, his service was satisfactory and compliant with the requirements of the transfer. The transfer and use of benefits would have been approved had the DAF Form 4406 been correctly handled initially.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force lieutenant colonel (O-5).

On 5 September 2008, according to AF IMT 133, *Oath of Office (Military Personnel)*, the applicant with prior service was appointed a major (O-4) in the Reserve of the Air Force.

On 22 May 2012, according to DAF Form 4406, *Post 9/11 GI Bill Transfer of Educational Benefits Statement of Understanding (SOU)*, provided by the applicant, he acknowledged with the Reserve and Guard Component, he would incur a service obligation of four years, and a Selective Reserve Service Commitment (SRSC) would be updated in his records. On this same date, according to the Benefits for Education Administrative Services Tool (BEAST) print-out, provided by AFPC/DP3SA, the applicant applied for TEB. On 21 May 2013, his request was rejected. The reason for the rejection is not listed.

On 31 March 2017, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant received an honorable character of service in the grade of lieutenant colonel and retired on 1 April 2017. He served 20 years and 5 days total active service. His narrative reason for separation reflects "Vol Retirement: Sufficient Service for Retirement."

On 31 March 2017, according to Special Orders Number **Work-Product**, the applicant was relieved from active duty and retired effective 1 April 2017 in the grade of major. He served 20 years and 5 days active service for retirement. Highest grade held on active duty reflects lieutenant colonel. The applicant retired in the grade of major due to serving less than three years of time-in-grade per 10 USC 1370.

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Controlled by: SAF/MRB

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Limited Dissemination Control: N/A

POC: SAF.MRBC.Workflow@us.af.mil

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

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 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

NGB/A1Y recommends granting the application. On 22 May 2012, the applicant submitted a request in the DMDC MilConnect TEB Web application to transfer his Post-9/11 GI Bill benefits. A historical data review revealed the applicant's request was rejected on 21 May 2013. Rejection basis unknown. The applicant retired on 31 March 2017, which would meet the required four year of service obligation completion by 21 May 2016. Review of historical data available based on Automated Record Management System (ARMS) records and BEAST. In accordance with DoDI 1341.13, *Post-9/11 GI Bill* (31 May 2013), paragraph 3.a.(1). "Has at least 6 years of service in the Military Services (active duty or Selected Reserve), NOAA Corps, or PHS on the date of approval and agrees to serve 4 additional years in the Military Services, NOAA Corps, or PHS from the date of election."

Based on the documentation provided by the applicant and analysis of the facts, to include review of ARMS and BEAST, there is enough evidence to approve this request. The applicant met all TEB eligibility requirements. Approval will reflect with the conditions of request dated 22 May 2012 to reflect allocated months to selected beneficiaries at the time of request.

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 23 September 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. The Board concurs with the rationale and recommendation of NGB/A1Y and finds a preponderance of the evidence substantiates the applicant's contentions. Therefore, the Board recommends correcting the applicant's records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show on 22 May 2012, his application to transfer his Post-9/11 GI Bill Educational Benefits to his dependents was approved with a service obligation end date of 21 May 2016.

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-2024-02518 in Executive Session on 8 April 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 June 2024.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/A1Y, dated 17 September 2024.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 23 September 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.

4/16/2025

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Board Operations Manager, AFBCMR

Signed by: Work-Product