



Work-Product

# UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2024-02639

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**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

At the time of his Air Force directed retirement, there was no process for him to retain the benefits for his son. The Air Force directed him to retire for being twice passed over for promotion. He was not given the option to serve until he completed the service obligation.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

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

On 29 September 2000, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant entered active duty.

On 18 March 2013, as noted in the documents provided by AFPC/DP3SA, the applicant applied for TEB, and the application was approved on 25 April 2013 with an obligation end date of 17 March 2017.

On 26 June 2014, according to a Non-Selection for Promotion Letter, the applicant was advised he was not selected for promotion by the CY14A Lieutenant Colonel (LAF) Central Selection Board.

On 9 June 2015, according to a Non-Selection for Promotion Letter, the applicant was advised he was not selected for promotion by the CY15A Lieutenant Colonel (LAF/LAF-J) Central Selection Boards.

On 30 November 2015, according to DD Form 214, the applicant received an honorable character of service in the grade of major and retired on 1 December 2015. He served 15 years, 2 months and 2 days active service; 5 years, 6 months and 17 days total prior active service; and 8 years, 2 months and 24 days prior inactive service. His narrative reason for separation reflects "Maximum Service or Time in Grade."

On 30 November 2015, according to Special Orders Number [redacted], dated 13 July 2015, the applicant was relieved from active duty and effective 1 December 2015, retired in the grade of major and credited with 20 years, 8 months and 19 days of active service for retirement.

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Limited Dissemination Control: N/A
POC: <a href="mailto:SAF.MRBC.Workflow@us.af.mil">SAF.MRBC.Workflow@us.af.mil</a>

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

### **APPLICABLE GUIDANCE/AUTHORITY**

According to the regulation at the time of the applicant's discharge, DoDI 1341.13, *Post-9/11 GI Bill*, Enclosure 3, Paragraph 3, dated 31 May 2013 states: Any service member on or after 1 August 2009, who is entitled to the Post-9/11 GI Bill at the time of the approval of his or her request to transfer that entitlement under this section, may transfer that entitlement provided he or she has at least 10 years of service in the Military Services (active duty or Selected Reserve) on the date of approval, is precluded by either standard policy (Service or DoD) statute from committing to four additional years, and agrees to serve for the maximum amount of time allowed by such policy or statute. (Note that this provision uses the same language as AFI 36-2649, *Voluntary Education Program*, paragraph A13.18.1.1.2 paragraph 3.a.(2)). The effect of this paragraph is the elimination of the retainability requirement for members who have at least 10 years of service, who are subject to early separation due to policy or statute, and who agree (or would have agreed) to serve the maximum time allowed.

DoDI 1341.13, Incorporating Change 1, dated 12 July 2018, clarifies the reasons that a member may retain their benefits even though they failed to complete their service obligation. According to Enclosure 3, Paragraph 3, sub-paragraph 2g one of those reasons includes members who are "discharge[d] or release[d] from active duty or the Selected Reserve, with an honorable discharge, due to twice failing to be selected for promotion as a commissioned officer on active duty or Selected Reserve."

### **AIR FORCE EVALUATION**

AFPC/DP3SA, recommends granting the application. The Defense Manpower Data Center (DMDC) records show the applicant applied for TEB on 18 March 2013. The application was approved on 25 April 2013 with a four-year service obligation to 17 March 2017. Subsequently, the applicant was assessed a mandatory date of separation (30 November 2015) due to being twice passed over for promotion. Prior to July 2018, there was no provision in TEB policy allowing retention of transferred benefits for members twice passed over for promotion.

Based on a 2018 change to Department of Defense Instruction (DoDI) 1341.13 there is evidence of an injustice. DoDI 1341.13, Change 1, Enclosure 3, 3.g.(2)(g), expanded the scope of Force Shaping to include members twice passed over for promotion. Members separated due to Force Shaping retain transferred benefits.

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 16 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 AFPC/DP3SA 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 18 March 2013, his application to transfer his Post-9/11 GI Bill Educational Benefits to his eligible dependents was approved with a service obligation end date of 30 November 2015.

**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-2024-02639 in Executive Session on 8 April 2025:

-  Panel Chair
-  Panel Member
-  Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 23 July 2024.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFPC/DP3SA, w/atch, dated 12 September 2024.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 16 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.

 Expired certificate

X 

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 Board Operations Manager, AFBCMR  
 Signed by: 