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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-03666

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

He served 11 years active duty in the Air Force and served 10 years in the Air National Guard (ANG). He was advised by the ANG unit education office that he could still transfer his benefits while he was serving because he previously met the 10-year requirement. He transferred his benefits in 2013 and retired in 2014. The Department of Veterans Affairs (VA) shows the transfer; however, the Air Force denies the transfer. After 21 years of service, he hoped this was the one thing he could give to his son.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air National Guard technical sergeant (E-6).

On 3 May 2004, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant was honorably discharged. He served 10 years, 5 months and 3 days total active service. His narrative reason for separation reflects "Intradepartmental Transfer."

On 26 September 2008, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant reentered the Air National Guard for a period of six years.

On, 23 July 2013, according to DAF Form 4406, *Post 9/11 GI Bill Transfer of Educational Benefits Statement of Understanding (SOU)*, provided by NGB/A1Y, the applicant acknowledged he would incur a service obligation of four years, and a Reserve Service Commitment (RSC) would be updated in his records. His obligation end date reflects 25 July 2014.

According to a Memorandum for Record, Chapter 33 GI Bill Certification, dated 23 July 2013, provided by NGB/A1Y, the applicant had at least six years in the Armed Forces (active duty and/or Selected Reserve) on the date of election of transferability will agree to serve an additional one year from date of transfer: 25 July 2013. His obligation end date reflects 24 July 2014.

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Controlled by: SAF/MRB

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Limited Dissemination Control: N/A

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

On 31 December 2013, according to NGB Form 22, *Departments of the Army and the Air Force National Guard Bureau, Report of Separation and Record of Service*, the applicant received an honorable character of service. He served a total of 20 years, 5 months, and 19 days total service for pay. Authority and Reason reflects “Transfer to the USAF Reserve Retired List (ANG Only), SPD: RBD.

On 1 January 2014, according to Reserve Order Work-Product, dated 10 December 2013, the applicant was relieved from his assignment, assigned to the Retired Reserve Section and placed on the USAF Reserve Retired List.

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

AIR FORCE EVALUATION

NGB/A1Y recommends denying the application. The applicant applied to transfer his benefits on 24 July 2013 and was approved. Upon application, he was provided with two TEB Obligation End Dates (OEDs) in the application package: 24 July 2014 and 25 July 2014, and the usual, four-year OED of 24 July 2017 populated in the DMDC BEAST. The applicant retired/separated on 31 December 2013, prior to July 2014 OEDs provided in the TEB application package.

Based on documentation provided by the applicant, and analysis of the facts, there is not enough evidence of an error or injustice upon the applicant’s request. In accordance with DoDI 1341.13, dated 31 May 2013, enclosure 3, paragraph 3.a.2. states, “Has at least 10 years of service in the Military Services (active duty or Selected Reserve), NOAA Corps, or PHS on the date of approval, is precluded by either standard policy (Service or DoD) or statute from committing to four additional years, and agrees to serve for the maximum amount of time allowed by such policy or statute.” The Retention Office Manager at the time provided a one-year service obligation for this applicant’s application; however, the applicant did not meet criteria for a one-year obligation in accordance with DoDI 1341.31 paragraph 3.a.(3)(b), “Is or becomes retirement eligible during the period from 1 August 2009, through 31 July 2012, and agrees to serve the additional period, if any, specified in subparagraphs 3.a.(3)(a) through 3.a.(3)(d) of this enclosure. A service member is considered to be retirement eligible if he or she has completed 20 years of active Federal service, or 20 qualifying years as computed pursuant to section 12732 of Reference (c). This subparagraph will no longer be in effect on 1 August 2013, and on or after that date all members must comply with subparagraphs 3.a.(1) or 3.a.(2) of this enclosure to be eligible for transfer of unused education benefits to family members. (b) For individuals eligible for retirement after 1 August 2009, and before 1 August 2010, 1 year of additional service is required.” The applicant agreed to serve an additional one year, indicated by signing the Post 9/11 GI Bill Transfer of Education Benefits Statement of Understanding, and per his NGB Form 22, retired/separated on 31 December 2013.

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 27 December 2024 for comment (Exhibit D), but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed. The Board also notes the applicant did not file the application within three years of discovering the alleged error 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)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find the assertion supported by a preponderance of the evidence.
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 NGB/A1Y and finds a preponderance of the evidence does not substantiate the applicant's contentions. Therefore, the Board recommends against correcting the applicant's records.

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-2024-03666 in Executive Session on 18 July 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 20 September 2024.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, NGB/A1Y, w/atchs, dated 23 December 2024.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 27 December 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.

9/1/2025

X

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Board Operations Manager, AFBCMR
Signed by: USAF

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