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# UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2024-04313

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**COUNSEL:** NONE

**HEARING REQUESTED:** YES

### APPLICANT'S REQUEST

His education benefits are transferred to his daughter so that she can go to college.

### APPLICANT'S CONTENTIONS

He was misled by Transition Assistance Program (TAP) personnel that he met all criteria and would be able to transfer his education benefits to his daughter after his request was approved.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a retired Air Force staff sergeant (E-6).

On 13 Feb 07, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant entered the Regular Air Force.

On 22 Feb 13, according to AF Form 1411, *Extension of Enlistment in the Regular Air Force*, the applicant extended his current 6-year enlistment for a period of 12 months. This was his 2<sup>nd</sup> extension to his current enlistment, and all extensions totaled 20 months.

On 28 Aug 14, the applicant received an honorable discharge. His narrative reason for separation was retirement disability, permanent, enhanced.

On 29 Aug 14, according to Special Order **Work-Product** dated 7 Apr 14, the applicant was permanently disability retired in the grade of staff sergeant and was credited with 7 years, 6 months and 16 days of total active service.

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

### AIR FORCE EVALUATION

AFPC/DPPSA recommends denying the application. The applicant contends he was assured by TAP personnel that he met all criteria to transfer of education benefits (TEB). He stated the transfer to his daughter was completed during TAP and he "was assured by the TAP personnel that this was proper and I met all criteria." Defense Manpower Data Center (DMDC) records show the member applied for TEB on 23 Jan 14 and 3 Jun 14. The applications were rejected on 25 Feb

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14 and 8 Jul 14, respectively, because the member failed to secure the required retainability within the application period. He required retainability to 24 Feb 18 and 7 Jul 18; however, the date of separation on the dates of rejection was 12 Oct 14. In accordance with DoDI 1341.13, *Post-9/11 GI Bill*, Enclosure 3 [3.a.(1)] and AFI 36-2306\_AFGM2, *Voluntary Education Program* (A9.20.1), members must secure and agree to serve 4 additional years from the date of application. The applicant retired on 29 Aug 14. 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. The member did not secure retainability within the application window. To grant relief would be contrary to the criteria established by the following law and/or DoD guidance: 38 U.S.C., Section 3319 and DoDI 1341.13, Enclosure 3.

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 14 Apr 25 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 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 AFPC/DPPSA, noting that the applicant did not have retainability available at the time of medical retirement, and finds a preponderance of the evidence does not substantiate the applicant's contentions. 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 that 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-2024-04313 in Executive Session on 18 Sep 25:

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Work-Product Panel Chair  
Work-Product Panel Member  
Work-Product Panel Member

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

- Exhibit A: Application, DD Form 149, dated 17 Dec 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPPSA, dated 9 Apr 25.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 14 Apr 25.

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.

9/23/2025

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Board Operations Manager, AFBCMR

Signed by: Work-Product

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