

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 June 2025

DOCKET NUMBER: AR20240002054

APPLICANT REQUESTS: correction of his record to show Transfer of Education Benefits (TEB) of Post 9/11 GI Bill to his dependents. A personal appearance before the Board via video or telephonically.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Self-authored Statement
- Statement from Captain (CPT) G-D- dated 2 November 2023 stated:
 - He would like to validate the applicant's claim of an inaccurate Post 9/11 GI Bill TEB date of 4 May 2019 as he was deployed and not in the Continental United States at that time
 - He remembers discussing the TEB with the applicant and to whom he should TEB
 - The applicant's fifth child was not born until July 2018
 - They explored the MilConnent website together and the applicant executed his TEB to his two oldest dependents
- Statement from Major (MAJ) V-L- dated 3 November 2023 stated:
 - She is currently the Personnel Action Division Chief for the Alabama Army National Guard (ALARNG)
 - She was formerly the Education Service Officer during the period of October 2017 through October 2018
 - At the Warrant Officer Professional Development event at Maxwell Air Force Base, she spoke about the National Guard (NG) education benefits in September 2018
 - The applicant was a former Soldier of her's when she was a platoon leader and she wrote a letter of recommendation to become a warrant officer
 - She spoke with the applicant to discuss if he was planning on using his GI Bill at which time he thought he TEB to his dependents when he applied for warrant officer candidate
 - She verified that he indeed TEB, she also explained to him there was a

4-year service obligation for the TEB

FACTS:

1. The applicant states:

- His dependent was notified on 14 September 2023, he did not fulfill his service obligation for the TEB under the Post 9/11 GI Bill
- Ms. T- informed him because he retired on 30 April 2022, he was ineligible for the TEB because he had less than 4-years post his transfer date of 4 May 2019
- The transfer date listed is inaccurate as he TEB to his dependents in April 2018
- Reason that supports his claim;
 - See statements from CPT G-D- and MAJ V-L
 - April 2019, he received an e-amil from Staff Sergeant G- recommunicating that June 2019 was the deadline for TEB, therefore, at the May 2019 drill all Soldiers interested in TEB needed to verify the transaction was complete
- He verified his TEB was processed

2. A review of the applicant's service record shows:

- With prior enlisted ARNG service, on 26 September 2015, he executed his oath of office and was appointed as a Reserve commissioned officer in the ALARNG and temporary Federal recognition was extended with Federal recognition extended by Special Orders Number 21 dated 29 January 2016
- On 1 October 2019, the Joint Forces Headquarters ALARNG notified him of his eligibility for retired pay at age 60
- On 30 April 2022, he was honorably released from the ALARNG and assigned to the U.S. Army Reserve (USAR) Control Group (Retired Reserve)
- On 30 April 2022, his Federal recognition was withdrawn by Special Orders Number 46 dated 8 August 2022

3. On 23 October 2023, the National Guard Bureau provided an advisory opinion regarding his request to overturn the decision to deny his TEB of his Post 9/11 GI Bill to his dependents. The advisory official recommended approval of his request. The applicant submitted his TEB on 4 May 2019 and was assigned a 4-year service obligation ending 3 May 2023. On 30 April 2022, he transferred to the USAR Control Group (Retired Reserve) with 1-year and 3-days remaining on his service obligation. The applicant claims his original TEB was submitted in April 2018, the only TEB received he submitted in May 2019 via MilConnect. However, since there was an obvious misunderstanding about the date the applicant originally TEB, it is likely that he

was not properly counseled by his unit on the remaining service obligation prior to his retirement.

4. On 23 October 2024, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment. The applicant has not responded.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation and the findings and recommendations outlined in the NGB advisory opinion, the Board found an injustice present based upon the confusion generated by a lack of proper counseling related to the applicant's transfer of educational benefits. Therefore, the Board recommended granting relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:XXX	:XXX	:XXX	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by amending the applicant's transfer of TEB benefits to show the applicant made a timely submission IOT complete the required 4-year ADSO; thus permitting him to retain the benefit.

X //SIGNED//

CHAIRPERSON

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Public Law 110-252 establishes legal limitations on the transferability of unused Post-9/11 GI Bill benefits. Further, section 3020 Public Law 110-252, limits eligibility to transfer unused benefits to those members of the armed forces who are serving on active duty or as a member of the Selected Reserve on or after 1 August 2009. To transfer education benefits, a Service Member must be on active duty or a member of the Selected Reserves in order to transfer benefits, have completed at least six years of qualifying service with at least 90-days of a qualifying period of service, have no negative action flag, and agree to serve at least four more years as a member of the Armed Forces, or the years of service as determined by the Secretary.
2. On 22 June 2009, Department of Defense (DoD) established the criteria for eligibility and transfer of unused educational benefits to eligible family members. An eligible individual is any member of the armed forces on or after 1 August 2009 who, at the time of the approval of the individual's request to transfer entitlement to educational assistance under this section, is eligible for the Post-9/11 GI Bill.
 - a. Has at least 6-years of service in the armed forces on the date of election and agrees to serve 4 additional years in the armed forces from the date of election; or
 - b. Has at least 10-years of service in the armed forces (active duty and/or Selected Reserve) 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; or

c. Is or becomes retirement eligible during the period from 1 August 2009 through 1 August 2013. A service member is considered to be retirement eligible if he or she has completed 20-years of active duty or 20 qualifying years of reserve service.

3. The policy further states the Secretaries of the Military Departments will provide active duty participants and members of the reserve components with qualifying active duty service individual pre-separation or release from active duty counseling on the benefits under the Post-9/11 GI Bill and document accordingly and maintain records for individuals who receive supplemental educational assistance under Public Law 110-252, section 3316.

4. Title 38, USC, section 3319 (Authority to transfer unused education benefits to family members), (f) (Time for Transfer; Revocation and Modification), (1) (Time for transfer), subject to the time limitation for use of entitlement under section 3321, and except as provided in subsection (k) or (l), an individual approved to transfer entitlement to educational assistance under this section may transfer such entitlement only while serving as a member of the Armed Forces when the transfer is executed. (h) (5) (Limitation on age of use by child transferees), (A) In general. A child to whom entitlement is transferred under this section may use the benefits transferred without regard to the 15-year delimiting date specified in section 3321, but may not, except as provided in subparagraph (B) or (C), use any benefits so transferred after attaining the age of 26-years.

5. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//