

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 31 March 2025

DOCKET NUMBER: AR20240008421

APPLICANT REQUESTS:

- correction of his record to reflect his eligibility for the Transfer of Education Benefits (TEB) to his dependents under the Post-9/11 GI Bill
- a personal appearance before the Board

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

DD Form 149 (Application for Correction of Military Record)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.
2. The applicant states in pertinent part:
 - He received two separate letters from those organizations identifying his social security number as potentially being compromised
 - Whether known or not known during this time was if his personal information or records were compromised and contributed to the current issue regarding his Chapter 33 Post 9/11 dependent transfer records
 - He knows without a reasonable doubt that he transferred the benefits; in fact, he transferred the bare minimum of 1 month, to enable the process and his ability later on, or when appropriate time dictated to adjust the remaining months with Chapter 33 benefit allocation to his dependents
 - Not having the ability to allocate his earned and entitled educational benefits to his dependents will place a massive financial constraint on his family and degrade any opportunity for his children to achieve their collegiate aspirations
3. A review of the applicant's service record shows:

- He enlisted in the Regular Army on 23 January 1996 and remained on active duty until 13 September 2007
- On 13 September 2007 he was honorably discharged from active duty to accept commission or warrant in the Army; his DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he completed 11 years, 7 months and 21 days of net active service this period
- Orders Number 235-381-A-835 dated 23 August 2017 ordered him to active duty in the grade of WO1 for a term of 6 years, effective 14 September 2007
- On 14 September 2007 he executed an oath of office as a Reserve Warrant Officer
- Orders Number 059-1301 dated 28 February 2017 released him from active duty and placed him on the retired list, effective 31 January 2018
- On 31 January 2018 he was honorably retired from the Regular Army; his DD Form 214 shows he completed 10 years, 4 months, and 17 days of net active service this period

4. On 6 March 2025, the U.S. Army Human Resources Command, Chief, Education Incentives Branch, provided an advisory opinion recommending disapproval and stating in pertinent part:

a. The applicant was eligible to transfer his Post 9/11 Gi Bill (PGIB) benefits to his dependents when the program first became available on 1 August 2009, because he had met the PGIB eligibility requirement of at least 90 days of active-duty service and he had obtained the by law-required minimum of 6-years of service to participate in the TEB program.

b. In his DD Form 149, he stated that "during my time on active duty, and after Post 9/11 (CHP 33) options (1 August 2009) were available I submitted the requirements to transfer chapter 33 benefits to my dependents. Recently, I went to access these benefits and to my surprise they were not available." The milConnect has been the system of record since the implementation of the TEB program and the only Department of Defense wide authorized means to request TEB and upon approval of a request, manage the allocation of transferred benefits. milConnect creates a date/time stamp every time a Service Member accesses the website and again when a TEB-related transaction is submitted.

c. On 10 March 2025, this office requested the applicant's access history from the Defense Manpower Data Center (DMDC) to the milConnect website. The information provided by DMDC does not support his contention that he submitted a TEB request at any time during his time on active duty, and after the Post 9/11 options were available. His access record shows that he accessed milConnect for the first time in 2017 (three times between 30 May 2017 and 24 August 2017). This was only 9 months prior to his retirement and any TEB request resulting from those milConnect access attempts would

have been rejected as he would not have been able to complete the by-law required TEB-related 4-year Additional Service Obligation (ASO). While he also accessed milConnect once in 2020 and seven times in 2024, all those attempts were after his retirement and consequently he was no longer allowed to submit a TEB request.

d. The applicant also stated on his DD Form 149 that "during both my time on active duty and in retirement my personnel information has come under constrain and compromise via both US Army human resources and Veterans Affairs data management systems." Access to the milConnect website is not connected to a Service Member's Social Security Number (SSN). The milConnect website can only be accessed via either a Common Access Card (CAC), mypay logon or DS Logon. Neither of those logons are directly associated with an SSN and therefore any compromise of an SSN would not impact his milConnect record and would not contribute to his current issue regarding his "Chapter 33 Post 9/11 dependent transfer records. The applicant's personal information in "U.S. Army Human Resources and especially in Veterans Affairs data management systems would not have included his CAC, DS Logon or mypay logon information.

e. Furthermore, the applicant stated on his DD Form 149 that he knows "without a reasonable doubt" that he transferred the benefits. As shown in paragraph 2.b., his milConnect record does not support this claim. If he has any documentation, such as printouts or screenshots, supporting this claim, he should submit this documentation for review and possible action. However, until such time that he provides this documentation, his official record in the official system of record for all TEB-related transactions reflects that he failed to submit a TEB request while he was in a qualifying duty status, starting with the implementation date of the TEB program and ending with his retirement.

5. On 19 March 2025, the applicant was provided with a copy of the advisory opinion for comment or rebuttal.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation, the findings and recommendations outlined in the HRC advisory, and the lack of any rebuttal of those findings submitted by the applicant, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's military record.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

//SIGNED//

X

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. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. Army Regulation (AR) 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 begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct. 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.

3. AR 621-202 (Army Educational Incentives and Entitlements) paragraph 4-15 states Soldiers may elect to transfer their Post-9/11 GI Bill education benefits to their spouse, one or more of their children, or a combination of spouse and children through the TEB website in the milConnect portal at <https://www.dmdc.osd.mil/mil-connect> or <http://milconnect.dmdc.mil>. Only dependents listed as eligible in the TEB website may receive the Post-9/11 GI Bill education benefit. TEB is neither an entitlement nor a transition benefit but was specifically identified by statute as a tool for recruitment and retention of the career force. The ability to transfer the Post-9/11 GI Bill education benefit was created as a recruitment and retention incentive for additional service within the Uniformed Services. Soldiers may increase, decrease, or revoke months to an eligible dependent at any time as long as at least one month is transferred to the dependent before the Soldier leaves the Armed Forces. Once a Soldier leaves service, the Soldier may not transfer benefits to dependents who had not received at least one month while the Soldier was on active duty or in the SELRES.

4. On 22 June 2009, the 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;

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.

d. A Soldier must also agree to serve the prescribed Active Duty Service Obligation based on the time in service the Soldier had on 1 August 2009.

5. Department of Defense Instruction 1341.13 (Post-9/11 GI Bill), establishes policy, assigns responsibilities, and prescribes procedures for implementing DoD authorities and responsibilities for Chapter 33 of Title 38, USC, also known and referred to in this issuance as the "Post-9/11 GI Bill." Establishes policy for the use of supplemental educational assistance (referred to in this issuance as "kickers") for Service members with critical skills or specialties, or for members serving additional service pursuant to

Section 3316 of Title 38, USC. Establishes policy for authorizing the transferability of educational benefits (TEB) in accordance with Section 3319 of Title 38, USC.

Paragraph 3.3b (4) The member transferring educational benefits must agree to serve 4 additional years in the Military Services, NOAA Corps, or USPHS Corps from the date of election, with no break in active or Selected Reserve service for greater than 24 hours. Eligibility does not guarantee approval. Members must be eligible to be retained for 4 years from the date of election and not be precluded, before approval, by either standard Service or DOD policy or statute. Members who have qualified for retirement and who wish to transfer benefits will incur a 4-year additional service obligation.

//NOTHING FOLLOWS//