

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 May 2025

DOCKET NUMBER: AR20240010958

APPLICANT REQUESTS: an Exception to Policy (ETP) waiving the Additional Service Obligation (ADSO) related to the Transfer of Education Benefits (TEB) under the Post 9/11 G.I. Bill.

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

- DD Form 149 (Application for Correction of Military Record)
- Orders Number 346-002, 12 December 2018 – he was retired from military service on 31 March 2019
- VA Form 5655 (Financial Status Report) – reflective of the applicant's current income
- Department of Veterans Affairs (DVA) letter, 17 July 2024 – reflective of the applicant being advised of a \$33,628.50 overpayment received related to housing allowance, Chapter 33 Kicker or Supplemental payment
- DVA letters, 11 June 2024 – reflective of the applicant being advised that his son's educational benefits were being terminated because he failed to fulfill his service obligation; the applicant is responsible for repaying all previously disbursed educational benefits –
 - \$33,628.50 housing/kicker
 - \$1,319.70 books and supplies
 - \$27,882.38 tuition and fees

FACTS:

1. The applicant states in pertinent part that:

- he elected to transfer his educational benefits under the Post 9/11 GI Bill to his son on 27 April 2015
- he retired from the Army National Guard on 31 March 2019
- he failed to fulfill his ADSO by 27 days due to a clerical error wherein the checks and balances associated with retirement were not properly implemented
- prior to retirement he was unable to utilize accrued leave days due to the order already being issued

- had he been permitted to utilize those days he would have been extended beyond the 27 April 2019 ADSO end date

2. A review of the applicant's available service records reflects the following:

- after serving in the U.S. Army Reserve, on 9 March 1994, he enlisted in the ARNG
- On 4 January 2006 – he was issued a Notification of Eligibility for retired Pay at Age 60 (20-Year Letter)
- On 13 April 2000 – he was ordered to active duty
- On 12 December 2018 (Orders Number 346-002) – he was released from active-duty, effective 31 March 2019, and subsequently placed on the retired list

3. On 7 May 2025, the National Guard Bureau, Chief, Special Actions provided an advisory opinion recommending approval of the applicant's request noting that on 27 April 2015, he requested to TEB to his dependents resulting in a 26 April 2019 ADSO end date. He retired 26 days short of completing his ADSO on 31 March 2019. During his retirement out-processing, and during 6 previous record reviews, he never received counseling on his remaining service obligation. In addition, he was paid 12 days of accrued leave, which would have gotten him to within 14 days of his ADSO end date. Because he was not properly counseled and he was allowed to retire before completing his ADSO, it is recommended that he be granted full relief and his ADSO end date be adjusted to his retirement date of 31 March 2019.

4. On 7 May 2025, the applicant was provided with a copy of the advisory opinion and afforded 10 days to provide comments.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicants petition available military records, and National Guard Bureau Chief, Special Actions Branch advisory, the Board concurred with the advising official recommending approval of the applicant's request finding that on 27 April 2015, he requested to TEB to his dependents resulting in a 26 April 2019 ADSO end date. The opine noted, the applicant retired 26 days short of completing his ADSO on 31 March 2019.

2. The Board determined during the applicant's retirement out-processing, and during 6 previous record reviews, he never received counseling on his remaining service obligation. In addition, evidence in the record shows the applicant was paid 12 days of

accrued leave, which would have gotten him to within 14 days of his ADSO end date. The Board agreed, based on the advising opine, there is sufficient evidence to support an Exception to Policy (ETP) waiving the Additional Service Obligation (ADSO) related to the Transfer of Education Benefits (TEB) under the Post 9/11 G.I. Bill with his ADSO end date being adjusted to his retirement date of 31 March 2019. As such, the Board granted relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

██████████	██████████	██████████	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 the Army records of the individual concerned be corrected to show the applicant has an Exception to Policy (ETP) waiving the Additional Service Obligation (ADSO) related to the Transfer of Education Benefits (TEB) under the Post 9/11 G.I. Bill with his ADSO end date being adjusted to his retirement date of 31 March 2019.

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 limits the eligibility to transfer unused benefits to those members of the Armed Forces who are serving on active duty or a member of the Selected Reserve.
 - a. A Soldier must be on active duty or a member of the Selected Reserve at the time of transfer of educational benefits to his or her dependent on or after 1 August 2009.
 - b. A Soldier must have at least 6 years of eligible service in order to transfer educational benefits to a spouse and at least 10 years of eligible service to transfer to eligible children.
 - c. A Soldier may only transfer to eligible family members. To be considered an eligible family member the spouse or child must be enrolled in the Defense Enrollment Eligibility Reporting System.
 - d. A Soldier must also agree to serve the prescribed additional service obligation based on the time in service the Soldier had on 1 August 2009.
 - e. A Soldier should not be granted relief based on unawareness of the law, program rules, or procedures unless he or she left the service during the implementation phase which is the first 90 days of the program.
 - f. A Soldier must have initially requested to transfer benefits on the DOD TEB online database. The TEB online database was operational 29 June 2009. Once approved in the TEB online database by the Soldier's service, the approval information is automatically relayed electronically to the VA for their access.
2. Army Regulation 621-202 (Army Educational Incentives and Entitlements) paragraph 4-15 states Soldiers may elect to transfer their Post 9/11 G.I. 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.

//NOTHING FOLLOWS//