

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00026  
COUNSEL: NONE  
HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

He be allowed to transfer his Post-9/11 GI benefits to his dependents.

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APPLICANT CONTENDS THAT:

He was not properly counseled prior to his retirement of the opportunity to transfer his education benefits to his dependents.

In support of his appeal, the applicant provides a Post 9/11 GI Bill Transferability fact sheet.

The applicant's complete submission, with attachment, is at Exhibit A.

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STATEMENT OF FACTS:

The applicant is a former member of the Regular Air Force who began his terminal leave in late June 2009 prior to his retirement effective date of 1 October 2009. He retired in the grade of technical sergeant (E-6) after serving 20 years and 2 days on active duty.

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AIR FORCE EVALUATION:

AFPC/DPSIT recommends denial. DPSIT states the applicant received a pre-separation counseling on 11 December 2008. The applicant indicated on his DD Form 2648, *Pre-separation Counseling Checklist for Active Component Service Members*, that he did not want counseling for education benefits prior to his retirement. He received a Fact Sheet indicating that he would not incur an additional service commitment for transfer of benefits. Guidance for transferring benefits was available on the Department of Veteran Affairs (DVA) website, as well as Education Office personnel holding various briefings to inform members of the benefit to transfer and how to do it.

It is DPSIT's opinion that the applicant has not provided adequate justification or documentation to warrant approval of his request.

The complete DPSIT evaluation is at Exhibit B.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

He was not counseled on the need to execute the TEB prior to his retirement from the Air Force effective 1 October 2009. He was not contacted by anyone, even though he requested education benefits counseling and all of his contact information was correct on his leave form. Because he was on terminal leave, he did not have access to the Department of Defense or Department of the Air Force guidance and did not know it existed. The Air Force advisory opinion states that he did not indicate on his DD Form 2648 that he desired educational benefits counseling; however, he did place an "X" in the "Yes" column in Section IV, item 13a, of the form indicating he did want the educational benefits counseling. Nevertheless, the Post 9/11 GI Bill was not included on the checklist at that time.

In addition, he attended the Transition Assistance Program Workshop from 23-27 February 2009, which included a DVA benefits briefing; however, neither the briefing, the 2008 Edition of the Federal Benefits for Veterans and Dependents Handbook, nor the Veteran's Benefits Timetable Handout, had any information about the Post 9/11 GI Bill.

The Air Force advisory cites Department of Defense Directive Type Memo (DTM) 09-003 that authorized the Military Departments to offer service members the option to TEB; however, this was not signed until 22 June 2009, which was after he began his permissive temporary duty (PTDY) on 18 June 2009. His terminal leave began directly after his PTDY and he subsequently retired effective 1 October 2009.

In summary, it was through no fault of his own that he was not made aware of the requirement to TEB prior to retirement. Had he known of this requirement, he would have definitely requested it before he retired.

The applicant's complete rebuttal, with attachments, is at Exhibit D.

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THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.

3. Sufficient relevant evidence has been presented to demonstrate the existence of error or injustice. While we note the steps the Air Force office of primary responsibility indicates were taken to inform eligible personnel of this new benefit, it appears that through no fault of the applicant he was not timely made aware of his eligibility and the steps necessary to transfer his benefits to his dependents. In addition we find no basis to question the applicant's account in this matter and do not find it reasonable that he would have knowingly elected not to pursue use of this important entitlement. Therefore, we elect to resolve any doubt in this matter in behalf of the applicant and recommend the records be corrected as indicated below.

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THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that on 30 September 2009 he elected to transfer his Post 9/11 GI Bill Educational Benefits.

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The following members of the Board considered AFBCMR Docket Number BC-2012-00026 in Executive Session on 13 September 2012, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

All members voted to correct the records, as recommended. The following documentary evidence was considered for AFBCMR Docket Number BC-2012-00026:

- Exhibit A. DD Form 149, dated 21 Nov 11, w/atck.
- Exhibit B. Letter, AFPC/DPSIT, dated 3 Feb 12.
- Exhibit C. Letter, SAF/MRBR, dated 1 Mar 12.
- Exhibit E. Letter, Applicant, dated 28 Mar 12, w/atcks.

Panel Chair