

- 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.
- 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
- Is or becomes retirement eligible during the period from August 1, 2009, through August 1, 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.
 - For those individuals eligible for retirement on August 1, 2009, no additional service is required.
 - For those individuals who have an approved retirement date after August 1, 2009, and before July 1, 2010, no additional service is required.
 - For those individuals eligible for retirement after August 1, 2009, and before August 1, 2010, 1 year of additional service after approval of transfer is required.
 - For those individuals eligible for retirement on or after August 1, 2010, and before August 1, 2011, 2 years of additional service after approval of transfer are required.
 - For those individuals eligible for retirement on or after August 1, 2011, and before August 1, 2012, 3 years of additional service after approval of transfer required.

AIR FORCE EVALUATION:

AFPC/DPSIT recommends denial noting that while the Air Force did not engage in a Service-wide effort to seek out members who were already on terminal leave or who had already completed their pre-separation counseling in order to provide them with additional counseling on the Post-9/11 GI Bill, the applicant has not

provided adequate justification/documentation showing he was wrongly denied proper counseling.

Further, DPSIT notes the applicant did receive pre-separation counseling on 9 Oct 08 for educational benefits prior to his terminal leave in Jun 09.

DPSIT's complete evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The Air Force advisory opinion's basis for recommending the applicant's request be denied are that the applicant received pre-separation counseling and the DVA had provided a link on their website that, had the applicant followed, he would have been led to the Official DoD TEB website. The applicant argues that his pre-separation counseling was conducted 9 Oct 08, well before the transfer-to-dependent programs had been established. Additionally, the link on DVA website that was supposed to have guided him to another site actually did not contain the link during the time he was separating. Further, the Air Force's claims the transferability feature was widely publicized and the website DoD developed a to facilitate the transfer of educational benefits was operation on 27 Jun 09, does not take into consideration the fact that after 2 Jun 09, he simply did not have access to any internal military communications as he was on terminal leave. Nor was he notified by DoD, DVA, or the Air Force of any time constraints associated with the transfer of benefits.

The applicant's complete response is at Exhibit C.

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.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to the APPLICANT be corrected to show that he elected to transfer his Post-9/11 educational benefits to his dependent.

The following members of the Board considered AFBCMR Docket Number BC-2012-00141 in Executive Session on 13 Sep 12, 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:

- Exhibit A. DD Form 149, dated 6 Jan 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSIT, dated 3 Feb 12.
- Exhibit D. Letter, SAF/MRBR, dated 1 Mar 12.
- Exhibit E. Letter, Applicant, dated 25 Mar 12, w/atchs.

Panel Chair