

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00223
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

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

APPLICANT CONTENDS THAT:

He has 25 months and 7 days left on his GI Bill and would like to transfer his benefits to his daughter. He originally transferred his Benefits (TEB) to his son, but had not been told that if he did not enroll his spouse or other children for at least one month that he would not be able to make the transfer later.

The applicant does not provide any supporting documentation.

His complete submission is at Exhibit A.

STATEMENT OF FACTS:

The applicant retired from the Regular Air Force in the grade of master sergeant (E-7) on 31 Mar 11.

The remaining relevant facts pertaining to this application are contained in the letter prepared by the appropriate office of the Air Force, which are at Exhibit B.

AIR FORCE EVALUATION:

AFPC/DPSIT recommends denial. Post 9/11 GI Bill, Chapter 33, became effective 1 Aug 09 based on Post 9/11 Veteran Education Act of 2008. The Public Law states in part, that "an individual may transfer such entitlement only while serving as a member of the Armed Forces when the transfer is executed." Articles were published that explained the program benefits and requirements. This communication plan was carefully implemented because there is no provision in the law or DoD policy for a waiver if a member

retires without transferring the benefits. The opportunity to transfer is not an entitlement and is in fact intended as a retention tool in exchange for additional service. Every effort was made, even before the program became available, to convey information to eligible members. In this case, at the time of application the applicant transferred 18 months of benefits to his son and none to his daughter.

The AFPC/DPSIT complete evaluation is at Exhibit B.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant agrees with the AFPC/DPSIT evaluation; however, he was never briefed specifically that he could add more than one family member at a time, nor did he read these specific instructions. The personnel that briefed him told him that he could only pick one member and it was only after he retired that he learned that he could have added all his dependents.

The applicant's complete submission is at Exhibit D.

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 the requirements to transfer benefits, we find the evidence presented sufficient to raise doubt as to whether the applicant was properly counseled. In that regard, it appears the only plausible explanation as to why the applicant did not transfer benefits to his other dependents at the time was lack of understanding on his part that he would not be able to do it at a later time. Therefore, in the interest of justice, 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 APPLICANT be corrected to show that on 31 March 2011, he elected to transfer his Post 9/11 GI Bill Educational Benefits.

The following members of the Board considered AFBCMR Docket Number BC-2012-00223 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 30 Dec 11.
- Exhibit B. Letter, AFPC/DPSIT, dated 14 Feb 12.
- Exhibit C. Letter, SAF/MRBR, dated 1 Mar 12.
- Exhibit D. E-mail Communications, Applicant, dated 14 Jun 12.

Panel Chair