

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00338

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

He be allowed to apply to transfer his Post 9/11 GI Bill benefits to his dependents with an effective date of January 2010 to avoid incurring an additional active duty service commitment (ADSC).

APPLICANT CONTENDS THAT:

He submitted a request to transfer education benefits (TEB) to his wife; and was informed through the Total Force Service Center (TFSC) representative that his request was incomplete due to his failure to complete the Statement of Understanding (SOU), which he was not aware he needed to sign to complete the TEB process. Had he completed the SOU and been able to effect the transfer, his projected ADSC would have been 16 Jan 14, six months from being eligible to retire.

In support of his request, the applicant provides an extract of the TEB Discussion Thread and a TEB Ineligibility Notification.

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

STATEMENT OF FACTS:

The applicant is currently serving on active duty in the rank of Technical Sergeant (TSgt) (E-6).

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

AIR FORCE EVALUATION:

AFPC/DPSIT recommends denial noting there has been no injustice to the extent that the service member did not receive adequate counseling as required by law and DoD regulation. Based on the

information reported in the TEB and counseling notes in Right Now Technology (RNT) by TFSC personnel, the applicant was provided with instructions and requirements he needed to accomplish prior to his TEB application being approved, specifically he needed to sign a SOU agreeing to the obligated service required to participate in the TEB. The applicant's original TEB application on 19 Jan 10 expired on 19 Feb 10 due to non-compliance with the requirements to participate in the transfer of benefits. Per Air Force Instruction (AFI) 36-2306, Attachment 9, A9.18.1.2, the individual must agree to serve four additional years in the Air Force from the date of request. The applicant did not agree to serve the required obligated service with his original application on 19 Jan 10.

Under Title 38 United States Code (USC), Chapter 33, service members are allowed to transfer unused educational benefits to their dependent spouses and children. Any member of the Armed Forces, active duty or Selected Reserves, officer, or enlisted, on or after 1 Aug 09, who is eligible for the Post-9/11 GI bill, has at least six years of service in the Armed Forces on the date of election, and agrees to serve a specified additional period of in the Armed Forces from the date of election, may transfer unused Post-9/11 benefits to their dependents. The Air Force, in implementing its guidance, developed a communication plan that used the Air Force Personnel Center Commander and the Education and Training Sections at each installation to serve as spokespersons to communicate the Post-9/11 GI Bill transfer-to-dependent program using internal media, internal communication tools, and external trade publications. There were various news articles about the Post-9/11 GI Bill; most noted the requirement to be on duty on the 1 Aug 09 effective date of the Post-9/11 GI Bill to be eligible to transfer benefits. Some articles mentioned that service members on active duty or in the selected reserve could transfer benefits. Notably, since 1 Aug 09, the Air Force approved over 30,000 transferability applications.

The Department of Veterans Affairs (DVA), the DoD and the Military Services widely publicized the Post-9/11 GI Bill and the transferability feature. DoD developed a special website, hosted by Defense Manpower Data Center (DMDC), to facilitate the transfer of educational benefits. The website system was operational on 27 Jun 09 for the purpose of accepting transfer of benefits applications. The Directive Type Memo (DTM) and Air Force Instruction state the transfer must be made while the member is serving in the Armed Forces. Both documents were published on government-hosted websites prior to 1 Aug 09, the effective date of the Post-9/11 GI Bill.

The complete AFPC/DPSIT evaluation is at Exhibit B.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 8 Mar 12 for review and comment within 30 days. As of this date, no response has been received by this office (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. Insufficient relevant evidence has been presented to demonstrate the existence of an error or injustice. We took notice of the applicant's complete submission in judging the merits of the case; however, we did not find his assertions sufficiently persuasive to override the rationale provided by Air Force office of primary responsibility and adopt its rationale as the basis for our conclusion the applicant has not been the victim of an error or injustice. Therefore, in the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this application.
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THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of an error or injustice; the application was denied without a personal appearance; and the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

The following members of the Board considered AFBCMR Docket Number BC-2012-00338 in Executive Session on 13 September 2012, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-00338 was considered:

- Exhibit A. DD Form 149, dated 26 Jan 12, w/atchs.
- Exhibit B. Letter, AFPC/DPSIT, dated 17 Feb 12.
- Exhibit C. Letter, SAF/MRBR, dated 8 Mar 12.

Panel Chair