

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00413
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

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

APPLICANT CONTENDS THAT:

On 14 Mar 11, he submitted an application to transfer his Post-9/11 GI Bill benefits to his dependent son. He did not discover the error until 5 days after his son turned 23.

In support of his request, the applicant provides a copy of VA 22-1990, *Application for VA Education Benefits* and a physician's memorandum.

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

STATEMENT OF FACTS:

The applicant is currently serving on active duty in the Air National Guard.

The remaining relevant facts pertaining to this application are contained in the letter prepared by the appropriate offices of the Air Force, which are attached at Exhibits B and C.

AIR FORCE EVALUATION:

NGB/A1YR recommends approval.

A1YR states the applicant started the process to transfer his Post-9/11 GI Bill benefits to his son prior to leaving on a deployment. However, the request was submitted through the wrong TEB website. By the time, the applicant returned from his deployment and became aware of the application error, he was unable to process the correct TEB request because his son had turned 23 years old.

The complete A1YR evaluation is at Exhibit B

NGB/A1PS concurs with the NGB Subject Matter Expert's (SMEs) advisory and recommends approval of the applicant's request to transfer his Post-9/11 GI Bill benefits.

The complete A1PS evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to the applicant on 27 Mar 12 for review and comment within 30 days (Exhibit D). As of this date, this office has not received a response.

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 error or injustice. We note the comments of the Air Force offices of primary responsibility that if the Board finds there was an injustice, they recommend approval; however, we find the evidence provided is insufficient to recommend granting the applicant's request. While the applicant states he submitted an application to transfer his Post 9/11 GI Bill benefits on 14 Mar 11; however, ,it appears he did not exercise due diligence in transferring his benefits after the 1 Aug 09 implementation date and prior to his deployment in Mar 11. The applicant's VA 22-1990, *Application for VA Education Benefits* reflects he had been on continuous active duty for the prior 10 years and specifically from 1 August 2009 to at least 31 Jul 11. Therefore, in the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this application

THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of material error or injustice; that the application was denied without a personal appearance; and that 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 BC-2012-00413 in Executive Session on 13 Sep 12, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

By a majority vote, the members voted to deny the request. voted to grant the request and elected not to submit a Minority Report. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 10 Jan 12, w/atchs.
- Exhibit B. Letter, NGB/A1YR, dated 9 Mar 12.
- Exhibit C. Letter, NGB/A1PS, dated 12 Mar 12.
- Exhibit D. Letter, SAF/MRBR, dated 27 Mar 12

Panel Chair