

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00490
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:

1. In Jul 09, he completed the request to transfer his Post-9/11 GI Bill benefits; however, his request was denied in Aug 09.
2. He was in a medical evaluation board (MEB) status and made several attempts for clarification; however, the servicing military personnel flight (MPF), education office, and military treatment facility (MTF) were unable to provide assistance because of the limited information at the time.
3. He should have been allowed to transfer his benefits under the "pending permanent disability retirement category."

In support of his request, the applicant provides copies of his DD Form 214, *Certificate of Release or Discharge from Active Duty*, a special order, and an email.

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

STATEMENT OF FACTS:

On 29 Jul 09, the applicant was permanently disability retired in the grade of master sergeant after serving 22 years, 5 months and 11 days on active duty.

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:

HQ AFPC/DPSIT recommends denial. DPSIT states the applicant retired effective 29 Jul 09 and the program for Transfer of Benefits (TEB) started 1 Aug 09. There has been no injustice to the extent that the applicant did not receive adequate counseling as required by law and Department of Defense (DoD) regulation.

The complete DPSIT evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was 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 took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinion and recommendation of the Air Force office of primary responsibility and adopt its rationale as the basis for our conclusion that 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 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-2012-00490 in Executive Session on 13 Sep 12, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 8 Feb 12, w/atck.
- Exhibit B. Applicant's Master Personnel Record.
- Exhibit C. Letter, AFPC/DPSIT, dated 19 Mar 12.
- Exhibit D. Letter, SAF/MRBR, dated 27 Mar 12.

Panel Chair