

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00720  
COUNSEL: NONE  
HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His Active Duty Service Commitment (ADSC) be changed to reflect 9 June 2015 rather than 25 October 2015.

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APPLICANT CONTENDS THAT:

He initially applied for TEB on 9 June 2011; however, when reviewing his records in October 2011, he discovered that he did not have an ADSC reflecting the TEB. After contacting AFPC, they notified him that he submitted his paperwork with an error. They indicated he had been notified of the error in July 2011; however, he never received the email. An email of that magnitude would have received his immediate attention as his education benefits, his timeline for retirement, and the possibility of having to make a permanent change of station (PCS); or not, rested in this single email.

In support of his appeal, the applicant provides a copy of an electronic submission confirmation from the Department of Defense (DoD) TEB webpage, dated 9 June 2011.

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

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STATEMENT OF FACTS:

The applicant is currently serving in the Regular Air Force in the grade of major (O-4).

The remaining relevant facts, extracted from the applicant's military service records, are reflected in the evaluation by the Air Force office of primary responsibility at Exhibit B.

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AIR FORCE EVALUATION:

AFPC/DPSIT recommends denial. DPSIT states that based on the information reported in the TEB and counseling notes in the Right Now Technology (RNT) by the Total Force Service Center (TFSC) personnel, the applicant was provided with instructions and

requirements that he needed to accomplish prior to his TEB application being approved. Specifically, that he needed to sign a Statement of Understanding (SOU) agreeing to the obligated service required to participate in the TEB option under the Post 9/11 GI Bill. An email was sent on 5 July 2011 informing the applicant that his application for TEB had expired because he had not signed an SOU.

It is DPSIT's opinion that the applicant's comment that he did not receive the email is suspect because on 26 October 2011, he contacted the TFSC and indicated that his request for TEB had expired and what did he need to do to restart the process. The only way the applicant knew that his application had expired would have been through an email from the TFSC.

On 27 October 2011, the applicant initiated the process of the TEB using an SOU he signed on 26 October 2011. His TEB benefits were approved on 28 October 2011.

The complete AFPC/DPSIT evaluation is at Exhibit B.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

He did not originally apply for TEB through the AFPC website. He applied through the DoD website. With the completion of transfer on this website, it was stated to expect contact from a service representative concerning the commitment for the transfer. He wrongly assumed that this would be in the form of another ADSC form. An SOU for transfer completion was not explicitly mentioned. It is not true that he knew his initial application had expired due to an email from TFSC, as contended by the Air Force OPR. In October 2011, he reviewed his records and noticed that he had not incurred an ADSC for the Post 9/11 GI Bill TEB. He contacted the TFSC to inquire why, and it was at this point he learned of the full story of the expired application, unsigned SOU, and the single notification email. He believes his ADSC should be 9 June 2015 based on his original intent for the TEB and the fact that he did not receive an email concerning the SOU and an expired TEB application. The current October 2015 ADSC has the potential for adverse consequences for his retirement date. These consequences would be due to an email that wasn't received for an administrative error.

The applicant's complete rebuttal, with attachment, is at Exhibit D.

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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. We note the applicant's assertion that he suffered an injustice when he did not receive an email concerning the SOU and an expired TEB application; however, he has not provided sufficient evidence to support that he was treated any differently than other members in a similar situation. 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.

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The following members of the Board considered AFBCMR Docket Number BC-2012-00720 in Executive Session on 13 September 2012, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

The following documentary evidence was considered in connection with AFBCMR Docket Number BC-2012-00720:

- Exhibit A. DD Form 149, dated 7 Feb 12, w/atck.
- Exhibit B. Letter, AFPC/DPSIT, dated 13 Mar 12, w/atcks.
- Exhibit C. Letter, SAF/MRBR, dated 27 Mar 12.
- Exhibit D. Letter, Applicant, dated 25 Apr 12, w/atcks.

Panel Chair