

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00786

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 June 2009 to avoid incurring an additional active duty service commitment (ADSC) beyond 24 June 2013.

APPLICANT CONTENDS THAT:

In 2009, he registered for Post 9/11 GI Bill education benefits with the Department of Veterans Affairs (DVA) and was led to believe that his Defense Enrollment Eligibility System (DEERS) dependents would be automatically eligible to receive the education benefits. He discovered in November 2011 that his dependents were not enrolled and in order to transfer education benefits to his dependents he would incur a four year ADSC with an effective date as of the time of enrollment.

In support of his request, the applicant provides copies of an extract of the TEB Discussion Thread and his DVA Certificate of Eligibility.

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

STATEMENT OF FACTS:

The applicant is currently serving on active duty in the grade of Lieutenant Colonel (Lt Col) (O-5).

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 the applicant did not provide adequate justification or documentation showing an error or injustice occurred. If the applicant had accessed the Department of Veterans Affairs (DVA) website on how to switch from the Montgomery GI Bill to Post 9/11, he would have been able to select the option to transfer benefits to dependents via the Official DoD TEB website link which would have led him to the website link to Transfer of Education Benefits. TFSC RNT records reflect the applicant did not inquire about the status of his TEB until 3 November 2011, two years after his initial application date.

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 August 2009, 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 duty 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 August 2009 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 August 2009, the Air Force approved over 50,000 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 June 2009 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 August 2009, the effective date of the Post-9/11 GI Bill.

The complete AFPC/DPSIT evaluation, with attachments, is at Exhibit B.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 1 May 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-2012-00786 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-2012-00786 was considered:

- Exhibit A. DD Form 149, dated 29 Nov 11, w/atchs.
- Exhibit B. Applicant's Master Military Records.
- Exhibit C. Letter, AFPC/DPSIT, dated 22 Mar 12.
- Exhibit D. Letter, SAF/MRBR, dated 1 May 12.

Panel Chair