

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00800
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

He be allowed to back date his Transfer of Education Benefits (TEB) to 3 Sep 10.

APPLICANT CONTENDS THAT:

He initially requested TEB on 3 Sep 10 and was informed that he needed to extend for retainability purposes. He accomplished the extension paperwork and signed the Statement of Understanding (SOU). He was informed by his Military Personnel Flight (MPF) that everything was complete. He is asking for his TEB to be back dated due to errors that were made by the MPF personnel with regard to submitting the TEB SOU and his correct extension paperwork.

The applicant does not provide any supporting documentation.

His complete submission is at Exhibit A.

STATEMENT OF FACTS:

The applicant is currently serving in the Regular Air Force in the grade of technical sergeant (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 at Exhibit B.

AIR FORCE EVALUATION:

AFPC/DPSIT recommends denial. Post 9/11 GI Bill, Chapter 33, became effective 1 Aug 09 based on Post 9/11 Veteran Education Act of 2008. The Public Law states in part, that "an individual may transfer such entitlement only while serving as a member of the Armed Forces when the transfer is executed." Articles were published that explained the program benefits and requirements.

This communication plan was carefully implemented because there is no provision in the law or DoD policy for a waiver if a member retires without transferring the benefits. The opportunity to transfer is not an entitlement and is in fact intended as a retention tool in exchange for additional service. Every effort was made, even before the program became available, to convey information to eligible members.

In this case, the applicant did not provide adequate justification or documentation to show that an error or injustice occurred. The applicant initially applied for TEB on 3 Sep; however, the member was informed that he needed to extend his enlistment in order to be eligible for TEB. On 7 Oct 10, the applicant was notified that his application had expired because he did not sign the SOU. The applicant then inquired as to his TEB status approximately two years after he re-applied. His TEB application was finally approved on 21 Feb 12. The applicant received several notifications regarding his TEB status.

The AFPC/DPSIT complete 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 30 Apr 12 for review and comment within 30 days. As of this date, this office has received no 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.

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 Docket Number BC-2012-00800 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 16 Feb 12, w/atchs.
- Exhibit B. Letter, AFPC/DPSIT, dated 3 Apr 12, w/atchs.
- Exhibit C. Letter, SAF/MRBR, dated 30 Apr 12.

Panel Chair