

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00913
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:

The Post 9/11 GI Bill Transfer of Education Benefits (TEB) was not conveyed in a timely manner before his retirement date.

In support of his appeal, the applicant provides a copy of his DD Form 214, *Certificate of Release or Discharge from Active Duty*.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS:

The applicant is a former member of the Air National Guard (ANG) who was transferred to the Retired Reserve effective 28 February 2012 in the grade of master sergeant (E-7) after serving 34 years of satisfactory service for retired pay.

AIR FORCE EVALUATION:

NGB/A1PS recommends approval. A1PS states that they concur with the Subject Matter Expert (SME), NGB/A1Y. A1Y indicates that they contacted the Retention Office Manager (ROM) at the applicant's former Wing, to obtain additional information. The ROM stated that information on the Post 9/11 GI Bill is posted in the Wing Newsletter on every Unit Training Assembly (UTA) weekend, and the Unit Career Advisors also brief their unit members on the Post 9/11 GI Bill requirements. The ROM indicated that even though she didn't recall speaking to the applicant, he could have applied for the Post 9/11 GI Bill TEB anytime after the program became available on the website or by mailing his paper election.

AlY indicates that if the Board finds there was an injustice, they recommend approval of the applicant's request.

The complete AlPS evaluation, with attachment, is at Exhibit B.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

On 25 June 2012, a copy of the Air Force evaluation was forwarded to the applicant for review and comment within 30 days (Exhibit C). 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 note the Air Force office of primary responsibility recommends approval if the Board finds an injustice. However, based on the applicant's complete submission and his available military records, we find no evidence of an error or injustice. The TEB program information and guidance was made available through the Air Force Personnel Center (AFPC) and the Department of Veterans Affairs (DVA) beginning early 2009. Every effort was made by the Department of Defense, Department of Veteran Affairs, and the services to make sure every eligible service member understood the process for transferring benefits. The TEB system began accepting applications as of 27 June 2009 with an effective date no earlier than 1 August 2009. In addition, according to NGB/AlY, the Post 9/11 GI Bill was posted in the applicant's Wing Newsletter on every Unit Training Assembly (UTA) weekend, and the Unit Career Advisor's briefed their members on the Post 9/11 GI Bill requirements. Based on the above, we conclude the applicant had ample notification of this benefit. Therefore, we find the applicant has not been the victim of an error or injustice. Accordingly, 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 Docket Number BC-2012-00913 in Executive Session on 13 November 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-2012-00913:

- Exhibit A. DD Form 149, dated 22 Feb 12, w/atch.
- Exhibit B. Applicant's Master Personnel Record.
- Exhibit B. Letter, NGB/A1PS, dated 11 Jun 12, w/atch.
- Exhibit C. Letter, SAF/MRBR, dated 25 Jun 12.

Panel Chair