

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01106

COUNSEL: NONE

HEARING DESIRED: YES

APPLICANT REQUESTS THAT:

He be allowed to transfer his Post-9/11 GI Bill benefits to his dependents.

APPLICANT CONTENDS THAT:

At the time of his retirement ceremony and his last day in uniform, 10 June 2009, the military had no provisions for transferring benefits of the Post-9/11 GI Bill. He followed all the guidance provided by the Veteran's Affairs (VA) website. Neither the VA nor the military ever communicated that he needed to transfer his benefits prior to retirement. It was only after he read a news article and tried to transfer his benefits did he discover he was 22 days too late to comply with the 31 August 2009 deadline.

In support of his request, the applicant submits a personal statement, a letters of support, sequence of events, his DD Form 214, *Certificate of Release or Discharge from Active Duty*.

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

STATEMENT OF FACTS:

The applicant retired from the Air National Guard on 1 September 2009 in the grade of lieutenant colonel.

Any member of the Armed Forces who, on or after 1 August 2009, who is eligible for the Post-9/11 GI Bill, had at least 6 years of service on the date of election may transfer unused Post-9/11 benefits to their dependents. Service Secretary's were required, as of 22 June 2009, to provide and document counseling regarding these benefits. The Air Force issued AFGMI on 23 July 2009, which required pre-separation counseling be documented on DD Form 2648. However, the Air Force did not seek out members who were already on terminal leave, or had already completed separation counseling.

AIR FORCE EVALUATION:

NGB/A1YR recommends approval. The applicant's Retention Officer Manager (ROM) was contacted and stated there was no evidence to verify the applicant received a Post-9/11 GI Bill separation briefing. When the program was placed into effect, there was confusion about the application process for eligibility and the Transfer of Education Benefits (TEB) requirements. During that time frame, many members did not receive separation counseling on the TEB requirements and missed the opportunity to submit their TEB request prior to retiring from the Air National Guard.

The complete A1YR evaluation is at Exhibit B.

NGB/AIPS concurs with the subject matter expert's recommendation to approve the applicant's request.

The complete AIPS evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to the applicant on 29 May 2012, for review and comment within 30 days (Exhibit D). 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. Sufficient relevant evidence has been presented to demonstrate the existence of error or injustice. In this respect, the Air Force office of primary responsibility (OPR) has indicated through no fault of the applicant it appears he may not have been afforded the opportunity to transfer his benefits to his dependents. As such, we elect to resolve any doubt in favor of the applicant. Therefore we agree with the opinion and recommendation of the OPR and recommend his records be corrected to the extent indicated below.
4. The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel

will materially add to our understanding of the issues involved. Therefore, the request for a hearing is not favorably considered.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that on 30 August 2009, he elected to transfer his Post 9/11 GI Bill Educational Benefits.

The following members of the Board considered AFBCMR Docket Number BC-2012-01106 in Executive Session on 13 November 2012, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

All members voted to correct the records, as recommended. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 10 Mar 12, w/atchs.
- Exhibit B. Letter, NGB/A1YR, dated 4 May 12.
- Exhibit C. Letter, NGB/A1PS, dated 11 May 12.
- Exhibit D. Letter, SAF/MRBR, dated 29 May 12.

Panel Chair