

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01310

COUNSEL: NONE

HEARING DESIRED: NO

THE APPLICANT REQUESTS THAT:

He be able to transfer his Post 9/11 GI Bill educational benefits to his dependents.

THE APPLICANT CONTENDS THAT:

He was not aware nor did he transfer his benefits prior to his Reserve retirement. He would like an opportunity to complete this transfer.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS:

On 12 Jan 12, the applicant transferred to the Retired Reserve.

AIR FORCE EVALUATION:

ARPC/DPTT recommends denial, stating, in part, the applicant did not transfer his benefits to his dependents prior to his established retirement date as defined in Public Law No. 110-252.

Post 9/11 GI Bill, Chapter 33, became effective 1 Aug 09 based on Post 9/11 Veterans Education Assistance Act of 2008. It is the result of Public Law No. 110-252 signed by the President on 30 Jun 08. Section 3319 (f)(1) which 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." As early as Apr 09, Veterans Affairs, Air Force and Air Force Reserve Components, and in fact all services, published articles in service related newsletters and web sites explaining the program benefits and requirements.

On 23 Jul 09, Air Force published Air Force Instruction 36-2306_AFGMI, Air Force Guidance Memorandum-Post 9/11 GI Bill. In accordance with that guidance, Air Force Reserve Command implemented a communication plan that employed the Air Reserve Personnel Center and unit education and training offices to convey program information locally in briefings as well as articles in service related newsletters and multiple web sites. By mid Jun 09 unit education and training offices were trained via a Webinar session and received flyers to ensure as complete exposure as possible. Information was made available to Program Managers (PM), Base Individual Mobilization Augmentee Administrator (BIMAA) and Readiness Management Group. In addition, the Air Force Reserve Commander sent an email to all Reserve members in Nov 09. This email explained the requirements and the need to transfer benefits while a member of the Selected Reserve. The note further provided contact information for the Air Reserve Personnel Center should a member need additional assistance. A statement explaining the need to transfer benefits prior to retirement was added to the Virtual Personnel Center-Guard Reserve (vPC-GR) retirement checklist in Jul 10.

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.

The complete ARPC/DPTT evaluation is at Exhibit B.

APPLICANT'S REVIEW OF THE AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 8 May 12 for review and response. 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 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 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 the evidence presented did not demonstrate the existence of material 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 Docket Number BC-2012-01310 in Executive Session on 13 November 2012, under the provisions of AFI 36-2603:

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 2 Apr 12, w/atchs.
- Exhibit B. Letter, ARPC/DPTT, dated 7 May 12.
- Exhibit C. Letter, SAF/MRBR, dated 8 May 12.

Panel Chair