

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01350
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:

After retiring from the Air Force he became aware that he was required to transfer his education benefits to his dependents prior to his retirement.

He contacted AFPC, the Department of Veterans Affairs (DVA), the base education office representative, and his state representatives. The aforementioned persons or agencies told him there was nothing they could do to assist him in transferring his education benefits to his dependents.

Before retiring, he attempted to transfer his Post 9/11 GI Bill benefits. He went to the website that allows transfer of educational benefits (TEB) and saw his family member's names and assumed he had done everything correctly.

He began terminal leave in Mar 2010 and retired 1 Jun 2010. After his retirement, he went to the website to transfer benefits and realized his family member's names were no longer in the system. He was not briefed that he had to transfer benefits before retiring. The newness of the process lead to his error in the transfer of benefits to his dependents.

In support of his request, the applicant provides a copy of a letter from his state senator.

His complete submission, with attachment, is at Exhibit A.

STATEMENT OF FACTS:

The applicant retired in the grade of master sergeant (MSgt, E-7) effective 1 Jun 2010.

Post 9/11 GI Bill: Any member of the Armed Forces (active duty or Selected Reserve, officer or enlisted) on or after 1 Aug 2009, who is eligible for the Post 9/11 GI Bill, and:

- Has at least six years of service in the Armed Forces on the date of election and agrees to serve four additional years in the Armed Forces from the date of election.
- Has at least 10 years of service in the Armed Forces (active duty and/or selected reserve) on the date of election, is precluded by either standard policy (service or DoD) or statute from committing to four additional years, and agrees to serve for the maximum amount of time allowed by such policy or statute, or
- Is or becomes retirement eligible during the period from 1 Aug 2009, through 1 Aug 2013. A service member is considered to be retirement eligible if he or she has completed 20 years of active duty or 20 qualifying years of reserve service.
 - For those individuals eligible for retirement on 1 Aug 2009, no additional service is required.
 - For those individuals who have an approved retirement date after 1 Aug 2009, and before 1 Jul 2010, no additional service is required.
 - For those individuals eligible for retirement after 1 Aug 2009, and before 1 Aug 2010, one year of additional service after approval of transfer is required.
 - For those individuals eligible for retirement on or after 1 Aug 2010, and before 1 Aug 2011, two years of additional service after approval of transfer are required.
 - For those individuals eligible for retirement on or after 1 Aug 2011, and before 1 Aug 2012, three years of additional service after approval of transfer required.

AIR FORCE EVALUATION:

AFPC/DPSIT recommends denial. DPSIT states the applicant did not provide adequate justification/documentation. He received pre-separation counseling 2 Mar 2010 and indicated on his DD Form 2648, *Preseparation Counseling Checklist for Active Component Service Members*, that he did not want counseling for education benefits prior to his retirement. He states that he attempted to transfer benefits to dependents by going to the

website; however, he neither made the election by checking the appropriate boxes nor did he sign the Statement of Understanding. If he had read on the DVA website when he switched from the Montgomery GI Bill to the Post 9/11 GI Bill, the option to transfer to dependents was available by clicking on the Official DoD TEB Website link (www.defense.gov). Clicking the link would have led the applicant to the Defense Manpower Data Center (DMDC) website to transfer benefits to his dependents.

The complete DPSIT evaluation, with attachment, is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

He applied for retirement in the beginning of Jan 2010. He received notification of approval near the end of Feb 2010. Due to his accumulation of leave, along with Permissive Temporary Duty (PTDY), his "final out" date was set at 5 Mar 2010. The DD Form 2648 he signed on 2 Mar 2010 was to obtain his electronic out-processing checklist. He received his checklist on 3 Mar 2010. This gave him a day and a half to receive/complete all his briefings, prior to his "Final out." Personnel at the Military Personnel Flight (MPF) did not inform him of the necessity of these briefings. He spoke to someone from the Education Office and he left with the understanding that he could transfer his benefits at any time after he retired. He specifically asked if he had to complete the requirement before retirement, and was told that he did not. He thought he had accomplished what he needed to on the website.

His complete response is at Exhibit E.

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 (OPR) and adopt its rationale as the basis for our conclusion the applicant has not been the victim of an error or injustice. While the applicant's comments in response to the Air Force evaluation are duly noted, we note the applicant declined counseling for education and do not find he exercised due diligence in transferring his benefits. 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 Docket Number BC-2012-01350 in Executive Session on 13 Nov 2012, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered in AFBCMR BC-2012-01350:

- Exhibit A. DD Form 149, dated 21 Apr 2012, w/atch.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSIT, dated 10 May 2012, w/atch.
- Exhibit D. Letter, SAF/MRBR, dated 4 Jun 2012.
- Exhibit E. Letter, Applicant, dated 25 Jun 2012.

Panel Chair