

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01533  
COUNSEL: NONE  
HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

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

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APPLICANT CONTENDS THAT:

He was not told that the transfer of his benefits had to be made while in a military status. His military Reserve position no longer exists or he would still be serving.

In support of the applicant's appeal, he provides copies of documents extracted from his military personnel record.

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

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STATEMENT OF FACTS:

On 9 December 2010, the applicant retired from the Air National Guard (ANG) in the grade of chief master sergeant.

The remaining relevant facts pertaining to this application, extracted from the applicant's military records, are contained in the letter prepared by the appropriate office of the Air Force at Exhibit B.

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AIR FORCE EVALUATION:

NGB/A1YR recommends denial. A1YR states on 13 September 2009, the Retention Office Manager (ROM) had a VA Representative speak on the Post 9/11 GI Bill. This was advertised through the Unit Career Advisor (UCA), Base Page, and word of mouth. There were three UCA meetings on 10 January, 16 May and 17 October 2009, in which the Post 9/11 MGIB was a topic. The ROM could not say for sure that the applicant was briefed on the requirement to TEB while still an active member of the ANG.

The complete A1YR evaluation is at Exhibit B.

NGB/A1PS concurs with NGB/A1YR.

The complete A1PS evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

On 19 June 2012, copies of the Air Force evaluations were forwarded to the applicant for review and response within 30 days (Exhibit D). As of this date, no response has been received by this office.

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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 an error or injustice warranting corrective action. While we note the steps the Air Force office of primary responsibility indicates were taken to inform eligible personnel of this new benefit, the OPR indicates it cannot be confirmed that the applicant was briefed on the requirements to transfer his benefits to his dependents. In addition considering the applicant's account, it does not appear reasonable that he would have knowingly elected not to pursue use of this important entitlement. Therefore, we find the evidence sufficient to find it in the interest of justice to recommend the records be corrected as indicated below.

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THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to the APPLICANT, be corrected to show that on 9 November 2010, he elected to transfer his Post 9/11 GI Bill Educational Benefits.

The following members of the Board considered AFBCMR Docket Number BC-2012-01533 in Executive Session on 13 November 2012, under the provisions of AFI 36-2603:

All members voted to correct the records as recommended. The following documentary evidence pertaining to AFBCMR BC-2012-01533 was considered:

- Exhibit A. DD Form 149, dated 19 March 2012, w/atchs.
- Exhibit B. Letter, NGB/A1YR, dated 4 June 2012.
- Exhibit C. Letter, NGB/A1PS dated 11 June 2012.
- Exhibit D. Letter, SAF/MRBR, dated 19 June 2012.