

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01546
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 receiving his "Certificate of Eligibility" he applied to transfer his education benefits, but was informed that the transfer should have occurred during his service. This requirement is not indicated in any of the documents that he received from the Veterans Affairs (VA) office. He had no knowledge or understanding of this requirement and humbly requests to be permitted to transfer this critical benefit.

In support of his request, the applicant provides a copy of his Certificate of Eligibility.

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

STATEMENT OF FACTS:

The applicant retired from the Air Force Reserve in the grade of master sergeant on 5 Feb 11.

The remaining relevant facts pertaining to this application are contained in the letter prepared by the appropriate office of the Air Reserve Personnel Center (ARPC), which is at Exhibit B.

AIR FORCE EVALUATION:

ARPC/DPTT recommends denial stating that the Post 9/11 GI Bill, Chapter 33, became effective 1 Aug 09 based on Post 9/11 Veteran Education Act of 2008. The Public Law 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." Further, the Air Force Reserve Command (AFRC) implemented a

communication plan that employed ARPC and unit education and training offices to convey the program information. In addition, the AFRC Commander sent detailed e-mail communications to all Reserve members in Nov 09. This communication was carefully implemented because there was no provision in the law or DoD policy for a waiver if a member retires without transferring the benefits.

In this case, the applicant did not transfer his education benefits to his dependents prior to his established retirement date as defined in Public Law.

The complete ARPC/DPTT evaluation is at Exhibit B.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 19 Jun 12 for review and comment within 30 days. 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 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 Reserve Personnel Center's office of primary responsibility and adopt their rationale as the basis for our conclusion that 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 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-2012-01546 in Executive Session on 13 Nov 12, under the provisions of AFI 36-2603:

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 20 Apr 12, w/atchs.
- Exhibit B. Letter, ARPC/DPTT, dated 18 Jun 12.
- Exhibit C. Letter, SAF/MRBR, dated 19 Jun 12.

Panel Chair