RECORD OF PROCEEDINGS AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01684

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

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

APPLICANT CONTENDS THAT:

He was on stop-loss for 2 years after September 11th and qualifies for the Post-9/11 GI Bill. When he out processed in January 2003, the conditions of the transfer of benefits were not yet put into place. Once he learned he could transfer his benefits, he elected to transfer the benefits to his son to allow him the opportunity to graduate from college. He recently learned he had to be on active duty to transfer the benefits. Due to his separation prior to the Post-9/11 GI Bill inception, he was not afforded the opportunity to transfer his benefits to his son.

In support of his appeal, the applicant provides his DD Form 214, Certificate of Release or Discharge from Active Duty.

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

STATEMENT OF FACTS:

The applicant is a former member of the Air Force who was honorably discharged on 16 January 2003.

AIR FORCE EVALUATION:

AFPC/DPSIT recommends denial. The member separated January 2003. The transfer of benefits program started 1 August 2009, therefore, he was not eligible for the program. There was no injustice to the extent the member was not properly counseled regarding the program.

The complete DPSIT 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 June 2012, for review and comment within 30 days (Exhibit C). As of this date, no response has been received by this office.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.

2. The application was not time; however, it is in the interest of justice to excuse the failure to timely file.

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 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-2012-01684 in Executive Session on 13 September 2012, under the provisions of AFI 36-2603:

- , Panel Chair
- , Member
- , Member

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-01684 was considered:

Exhibit A. DD Form 149, dated 3 Mar 12, w/atch. Exhibit B. Letter, AFPC/DPSIT, dated 22 May 12. Exhibit C. Letter, SAF/MRBR, dated 19 Jun 12.

Panel Chair