

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01685

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

He be allowed to accomplish a Post 9/11 GI Bill transfer of education benefits (TEB) to his dependents.

APPLICANT CONTENDS THAT:

He believes he was not informed of the requirements to transfer education benefits while he was still in service.

The applicant did not provide any documents in support of his request.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS:

According to documents extracted from the Automated Records Management System (ARMS), the applicant contracted his initial enlistment in the Air National Guard (ANG) on 13 September 1997. He was progressively promoted to the grade of master sergeant, (E-7), with an effective date of rank and pay grade of 5 April 2007. He separated from the ANG on 5 August 2009 and was credited with 12 years of total service for retired pay.

AIR FORCE EVALUATION:

NGB/A1YR recommends denial. A1YR states that Directive-Type Memorandum (DTM) 09-003- *Post 9/11 GI Bill* dated, 22 June 2009, change 2, dated 14 September 2011, attachment 2, paragraph 3.a.(1) establishes "eligible individuals as any member of the Armed Forces on or after August 1, 2009, who, at the time of approval of the individual's request to transfer entitlement to educational assistance under this section, is eligible for the Post 9/11 GI Bill, and has at least 6 years of service in the Armed Forces (active/and or Selected Reserve) on the date of

election and agrees to serve 4 additional years in the Armed Forces from the date of election." The applicant was not retirement eligible and based on his date of separation from the ANG, he would have incurred a 4-year service obligation to be eligible for TEB to his dependents.

The complete NGB/A1YR evaluation is at Exhibit C.

NGB/A1PS recommends denial. A1PS states they concur with the NGB/A1YR advisory and do not recommend approval of the applicant's request to accomplish a Post 9/11 GI Bill transfer of education benefits to his dependents.

The complete NGB/A1PS evaluation is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to the applicant on 16 July 2012 for review and comment within 30 days (Exhibit E). To date, this office has not received a 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. After a thorough review of the evidence of record and applicant's submission, we believe that relief is not warranted in this case. Therefore, we agree with the opinion and recommendation of the Air Force offices of primary responsibility (OPR) and adopt their rationale as the basis for our conclusion the applicant has not been the victim of an error or injustice. In view of the above and 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-2012-01685 in Executive Session on 8 January 2013, under the provisions of AFI 36-2603:

, Panel Chair
, Member
, Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 2 April 2012.
- Exhibit B. Applicant's Master Personnel Record
- Exhibit C. Letter, NGB/A1YR, dated 20 June 2012.
- Exhibit D. Letter, NGB/A1PS, dated 3 July 2012.
- Exhibit E. Letter, SAF/MRBR, dated 16 July 2012.

Panel Chair



**DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC**

Office of the Assistant Secretary

AFBCMR
1500 West Perimeter Road, Suite 3700
Joint Base Andrews NAF Washington, MD 20762

Dear

Reference your application submitted under the provisions of AFI 36-2603 (Section 1552, 10 USC), AFBCMR Docket Number BC-2012-01685.

After careful consideration of your application and military records, the Board determined that the evidence you presented did not demonstrate the existence of material error or injustice. Accordingly, the Board denied your application.

You have the right to submit newly discovered relevant evidence for consideration by the Board. In the absence of such additional evidence, a further review of your application is not possible.

BY DIRECTION OF THE PANEL CHAIR

Chief Examiner
Air Force Board for Correction
of Military Records

Attachment:
Record of Board Proceedings

