

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01773
COUNSEL: NONE
HEARING DESIRED: YES

APPLICANT REQUESTS THAT:

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

APPLICANT CONTENDS THAT:

He had medical problems prior to separating from the Air National Guard and did not receive the proper information regarding the Post 9/11 GI Bill benefits. In 2008, he was diagnosed with esophageal cancer and missed drills where briefings took place that advised the other troops about the educational benefits, and specifically, the fact that the transfer had to happen prior to being separated or retired. Due to his illness, it is inconceivable that because he was suffering from a serious and possibly terminal disease that he would not have opted to leave his children with a college education.

In support of his request, the applicant provides excerpts from his personnel and medical records.

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

STATEMENT OF FACTS:

The applicant retired from the Air National Guard in the grade of technical sergeant (E-6) on 15 Apr 10.

The remaining relevant facts pertaining to this application are contained in the letters prepared by the appropriate offices of the National Guard Bureau, which is at Exhibit B and C.

AIR FORCE EVALUATION:

NGB/A1YR recommends approving the applicant's request stating that due to his on-going medical issues and appointments, he did not receive the proper briefing prior to his retirement with regard to the Post 9/11 GI Bill benefits.

The NGB/A1YR complete evaluation is at Exhibit B.

NGB/A1PS concurs with the NGB Subject Matter Expert's (SME) advisory and recommends approval.

The NGB/A1PS complete evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to the applicant on 16 Jul 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. Sufficient relevant evidence has been presented to demonstrate the existence of error or injustice. Having carefully reviewed this application, we agree with the opinions and recommendations of the National Guard Bureau that the applicant was unable to receive timely educational briefings due to on-going medical appointments before his retirement. Therefore, through no fault of the applicant he was not made aware of the steps necessary to transfer his benefits to his dependents. Accordingly, we recommend the records be corrected as indicated below.
4. The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issue involved. Therefore, the request for a hearing is not favorably considered.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that on 1 April 2010, he elected to transfer his Post 9/11 GI Bill Educational Benefits to his dependents.

The following members of the Board considered AFBCMR Docket Number BC-2012-01773 in Executive Session on 8 Jan 13, under the provisions of AFI 36-2603:

, Panel Chair
, Member
, Member

All members voted to correct the records, as recommended. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 30 Jan 12, w/atchs.
- Exhibit B. Letter, NGB/A1YR, dated 22 Jun 12.
- Exhibit C. Letter, NGB/A1PS, dated 3 Jul 12.
- Exhibit D. Letter, SAF/MRBR, dated 16 Jul 12.

Panel Chair

