

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01272
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:

He did not transfer his benefits prior to his 1 January 2010 retirement.

The applicant provides no documentation in support of his appeal.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS:

The 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.

AIR FORCE EVALUATION:

DPSIT recommends denial. DPSIT states the applicant did not provide adequate justification/documentation. He did receive pre-separation counseling 16 April 2009 for education benefits prior to his retirement. Public Law clearly states that transfer of benefits have to be done prior to separation/retirement. The applicant made no attempt to contact the Education Office after his separation briefing as noted on DD Form 2648, *Preparation Counseling Checklist for Active Component Service Members*. The applicant out-processed through the vMPF with the Education Office on 30 July 2009.

The DPSIT complete evaluation is at Exhibit B.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant states His DD Form 2648 shows that he received counseling about his education benefits; nothing mentions anything about the option to transfer benefits to a dependent. Considering the recent change to the GI Bill benefits, he would expect to see additional comments about the option. Regarding the 30 July 2009 vMPF out-processing, this was done by physically visiting the Education Office instead of receiving the briefing by computer (this was a frequent problem with vMPF access which required physically visiting many places to out-process and getting hand-written acknowledgment). He began terminal leave on 21 September 2009. The memo from XXXXXXXX dated 19 April 2012 states that the USAF did not engage in a service-wide effort to seek out members who were already on terminal leave, or who had already completed their pre-separation counseling.

The applicant's complete response, with attachments, is at Exhibit D.

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. While the Board notes the steps the Air Force office of primary responsibility indicates were taken to inform eligible personnel of this new benefit, it appears that through no fault of the applicant, he was not fully aware of the steps necessary to transfer his benefits to his dependents. We also do not find it reasonable that he would have knowingly elected not to pursue use of this important entitlement. As such, we find the evidence sufficient to conclude that it is in the interest of justice to recommend correction of his records as indicated below.

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 31 December 2009, he elected to transfer his Post 9/11 GI Bill Educational Benefits.

The following members of the Board considered AFBCMR Docket Number BC-2012-01272 in Executive Session on 8 January 2013, under the provisions of AFI 36-2603:

All members voted to correct the records as recommended. The following documentary evidence pertaining to AFBCMR BC-2012-01272 was considered:

- Exhibit A. DD Form 149, dated 23 March 2012, w/atchs.
- Exhibit B. Letter, AFPC/DPSIT, dated 19 April 2012.
- Exhibit C. Letter, SAF/MRBR dated 11 May 2012.
- Exhibit D. Letter, Applicant, not dated, w/atchs.