

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01346

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 dependent daughter.

APPLICANT CONTENDS THAT:

On several occasions before he retired, he tried to get information about transferring his Post 9/11 GI Bill education benefits to his daughter. He was told that as long as he had his GI Bill eligibility he could transfer education benefits at any point, retired or not. He applied on his own to DMDC web site to transfer 100% of the education benefits to his daughter. Apparently the application was never processed and now he is being denied his combat earned GI Bill TEB based on a miscommunication by the Air National Guard (ANG) and Department of Defense (DoD).

In support of his request, the applicant provides copies of his DD Form 214, *Certificate of Release or Discharge from Active Duty*, retirement order, his Post 9/11 GI Bill certificate of eligibility, eyewitness certification letter, his congressional appeal and instructions on how to accomplish a TEB (released after his retirement).

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

STATEMENT OF FACTS:

According to documents provided by the applicant, he is a former Air National Guard commissioned officer. He was progressively promoted to the grade of Lieutenant Colonel, (O-5), with an effective date of rank and pay grade of 13 September 2001.

Effective 13 May 2010, the applicant was assigned to the Retired Reserve section awaiting pay at age 60 (29 November 2020).

AIR FORCE EVALUATION:

NGB/A1Y states they contacted the retention office Manager (ROM) of the applicant's former unit and the ROM states that when the applicant started his retirement out-processing actions, he presented the applicant with a unit specific "application for separation" form. One portion of this form asks "has the person been briefed on Post 9/11 TEB eligibility?" The ROM affirms the applicant declined to take the form around the base to the appropriate offices. The ROM also remembers asking the applicant about his Post 9/11 TEB and the applicant replying "he was all set." The ROM did not pursue the subject further to ensure the applicant was aware of the requirements to transfer the education benefits before he retired.

If the Board finds there was an injustice, A1Y recommends approval.

The complete NGB/A1Y evaluation is at Exhibit B.

NGB/A1PS states they concur with the NGB/A1Y advisory.

The complete NGB/A1PS evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

In an undated letter the applicant responds that he is submitting the letter to provide further explanation of his request to accomplish the Post 9/11 TEB. He indicates he is pleased to note the National Guard Bureau recommended approval of his request as his daughter wishes to attend college soon. He thinks it is critically important for the Board to understand that there are many more National Guard members who were either given partial, false or rapidly evolving information on when and how to file for TEB.

In his case, he actually went online to accomplish the TEB and even showed a fellow guardsman how to accomplish his TEB, but apparently the transfer did not go through. This situation persists today which is why the NGB Chief of Retention, now recommends all ANG members print the screen at each step of the of the TEB online process.

The ROM's statement that he said he was "all set with his GI Bill TEB" is correct. He followed all the information available for the TEB process and thought it was complete. The ROM is also correct in that he failed to brief him about the requirement to transfer the education benefits before he retired. His last time at the unit before his retirement was May 2010. The ROM was not present at the base at that time.

He always intended to transfer his Post 9/11 GI Bill education benefits to his children. To withhold his TEB based on an acknowledged technical glitch is completely unacceptable. He is finding fellow retired guardsmen who are in the same boat and are finding out as their children are preparing to attend college that their TEB was never processed. He has two eyewitnesses who saw him apply. He respectfully requests the Board approve the NGB recommendation.

The applicant's complete response is at Exhibit E.

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 note the Air Force office of primary responsibility recommends approval if the Board finds an injustice. However, based on the applicant's complete submission, we find no evidence of an error or injustice. We took note that the retention office manager remembers asking the applicant about his Post 9/11 TEB and the applicant replied that "he was all set." In doing so, he did not avail himself to fully understand the Post 9/11 GI Bill requirements. We also took note of the applicant's contention that many more National Guard members are either given partial, false or rapidly evolving information on when and how to file for TEB. However, in this instance, it is not the case. The applicant has not provided sufficient evidence that he was denied the opportunity to transfer benefits to his dependent or that he was miscounseled. Therefore, we find the applicant has not been the victim of an error or injustice. Accordingly, 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 in Executive Session on 8 January 2013, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-01346 was considered:

- Exhibit A. DD Form 149, dated 14 March 2012, with atchs.
- Exhibit B. Letter, NGB/A1Y, dated 8 June 2012.
- Exhibit C. Letter, NGB/A1PS, dated 11 June 2012.
- Exhibit D. Letter, SAF/MRBR, dated 19 June 2012.
- Exhibit E. Letter, Applicant, not dated.

Panel Chair