

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01923  
COUNSEL: NONE  
HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

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

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APPLICANT CONTENDS THAT:

He was not informed of the requirement to request his transfer of Post 9/11 GI Bill benefits to his dependents prior to retiring.

The applicant does not provide any supporting documentation.

His complete submission is at Exhibit A.

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STATEMENT OF FACTS:

The applicant retired from the Air National Guard in the grade of lieutenant colonel (O-5) on 7 Sep 06.

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

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AIR FORCE EVALUATION:

NGB/A1Y recommends denial. Post 9/11 GI Bill, Chapter 33, became effective 1 Aug 09 based on Post 9/11 Veteran Education Act of 2008. The Public Law states in part, that "an individual may transfer such entitlement only while serving as a member of the Armed Forces when the transfer is executed." In this case, the Post 9/11 GI Bill had not yet been established prior to the applicant retiring in 2006.

The NGB/A1Y complete evaluation is at Exhibit B.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 5 Nov 12 for review and comment within 30 days. As of this date, this office has received no response.

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THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
  2. The application was not timely filed; 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 National Guard Bureau office of primary responsibility and adopt their 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.
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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.

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The following members of the Board considered AFBCMR Docket Number BC-2012-01923 in Executive Session on 8 Jan 13, under the provisions of AFI 36-2603:

- , Panel Chair
- , Member
- , Member

The following documentary evidence for Docket Number BC-2012-01923 was considered:

- Exhibit A. DD Form 149, dated 30 Apr 12, w/atchs.
- Exhibit B. Letter, NGB/A1Y, dated 4 Oct 12.
- Exhibit C. Letter, SAF/MRBR, dated 5 Nov 12.

Panel Chair