

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01925
COUNSEL: NO
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 was on terminal leave during the implementation phase of the Post-9/11 GI Bill program. He was told by a Veteran's Affairs (VA) counselor that he fell into the category along with 16,000 other service members who did not get an opportunity to transfer their benefits while on active duty.

In support of his request, the applicant provides a copy of his DD Form 214, *Certificate of Release or Discharge from Active Duty*.

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

STATEMENT OF FACTS:

On 1 Sep 09, the applicant retired in the grade of senior master sergeant. He served 28 years of total active service.

AIR FORCE EVALUATION:

AFPC/DPSIT recommends denial. DPSIT states the member did not provide adequate justification/documentation. On 23 Apr 09, the applicant received pre-separation counseling and indicated on his DD Form 2648, *Pre-separation Counseling Checklist for Active Component (AC) Service Members* that he wanted counseling for educational benefits prior to his retirement. On 12 Jun 09, the applicant had the opportunity to ask questions about the Transfer of Education Benefits (TEB) when he out-processed.

The complete DPSIT evaluation, with attachments, is at Exhibit B.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 19 Jun 12, for review and comment within 30 days (Exhibit C). As of this 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 not timely filed.
 3. Sufficient relevant evidence has been presented to demonstrate the existence of error or injustice. We note the comments of the Office of Primary Responsibility (OPR) concerning the steps the Air Force took to inform eligible personnel of their ability to transfer Post 9/11 GI educational benefits to their eligible dependents. We also note the applicant received pre-separation counseling on 23 Apr 09 and indicated that he wanted counseling for educational benefits prior to his 1 Sep 09 retirement. However, we find no evidence that he ever received the requested counseling and note that he out-processed on 12 Jun 09, prior to both the requirement for the services to provide and document individual pre-separation counseling on this important benefit and the establishment on 27 Jun 09 of the Department of Veterans Affairs (DVA) website for electing to transfer such benefits to eligible dependents. Moreover, as indicated by the OPR, the Air Force 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, in order to provide them with additional counseling on the Post 9/11 GI Bill. Although he may have been aware that his dependent met the eligibility requirements for transferability, it appears that he was not provided sufficient information/instructions for completing the transfer while he was still on active duty. In view of the above, and since he was eligible to elect to transfer educational benefits because he was still on active duty on 1 Aug 09, we recommend his records be corrected to the extent indicated below.
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THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that on 30 August 2009, he elected to transfer his Post 9/11 GI Bill Educational Benefits.

The following members of the Board considered AFBCMR BC-2012-01925 in Executive Session on 8 Jan 13, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 27 Apr 12, w/atck.
- Exhibit B. Letter, AFPC/DPSIT, dated 22 May 12.
- Exhibit C. Letter, SAF/MRBR, dated 19 Jun 12.

Panel Chair