# RECORD OF PROCEEDINGS AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2012-01984

COUNSEL: NONE

HEARING DESIRED: NO

## APPLICANT REQUESTS THAT:

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

## APPLICANT CONTENDS THAT:

He deployed to Afghanistan from April to December 2009. He submitted his retirement request upon his return from deployment with an effective date of 1 July 2010. In December 2009, he returned to Afghanistan as a contractor and was not informed that he could transfer his benefits to any of his children.

The applicant submits no supporting documentation.

The applicant's complete submission is at Exhibit A.

# STATEMENT OF FACTS:

The applicant retired from the Air National Guard on 1 July 2010 in the grade of master sergeant.

Any member of the Armed Forces who, on or after 1 August 2009, who is eligible for the Post-9/11 GI Bill, had at least 6 years of service on the date of election my transfer unused Post-9/11 benefits to their dependents. Service Secretary's were required, as of 22 June 2009, to provide and document counseling regarding these benefits. The Air Force issued AFGMI on 23 July 2009, which required pre-separation counseling be documented on DD Form 2648. However, the Air Force did not seek out members who were already on terminal leave, or had already completed separation counseling.

# AIR FORCE EVALUATION:

NGB/AlYR recommends approval. The applicant's Retention Officer Manager confirmed that he did not receive the Post-9/11 GI Bill separation briefing and he was not notified of the requirement to transfer his benefits to his dependents prior to retirement.

The complete AlYR evaluation is at Exhibit C.

NGB/AIPS concurs with the subject matter expert's recommendation to approve the applicant's request.

The complete AIPS evaluation is at Exhibit D.

# APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluation were forwarded to the applicant on 16 July 2012, for review and comment within 30 days (Exhibit E). 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. In this respect, the Air Force office of primary responsibility (OPR) has indicated that through no fault of the applicant it appears he may not have been afforded the opportunity to transfer his benefits to his dependent. As such, we agree with the OPR and recommend his records be corrected as indicated below.

## 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 June 2010, he elected to transfer his Post 9/11 GI Bill Educational Benefits.

The following members of the Board considered AFBCMR Docket Number BC-2012-01984 in Executive Session on 8 January 2013, 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 26 Apr 12.

Exhibit B. Applicant's Master Personnel Records.

Exhibit C. Letter, NGB/A1YR, dated 27 Jun 12.

Exhibit D. Letter, NGB/AlPS, dated 3 Jul 12d.

Exhibit E. Letter, SAF/MRBR, dated 16 Jul 12.

Panel Chair