

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02049
COUNSEL: NONE
HEARING DESIRED: NOT INDICATED

APPLICANT REQUESTS THAT:

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

APPLICANT CONTENDS THAT:

He was briefed by his Military Personnel Flight (MPF) that he would be eligible to transfer his benefits.

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. The applicant received pre-separation counseling on 14 May 2009. The applicant indicated on his pre-separation form, DD Form 2648, that he did not want counseling for education benefits prior to his retirement. There is no record of the applicant applying for the benefit in Transfer of Education Benefits (TEB) or any Right Now technology (RNT) records.

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

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

On 25 June 2012, a copy of the Air Force evaluation was forwarded to the applicant for review and response within 30 days (Exhibit C). As of this date, no response has been received by this office.

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. After reviewing the evidence of record, we are persuaded that favorable consideration of the applicant's request is warranted. It appears the applicant was unable to receive timely educational briefings due to his retirement occurring shortly after the implementation of the Post 9/11 TEB program. We believe at the time of his separation, the applicant did not execute a well informed decision regarding these benefits. The comments of AFPC/DPSIT concerning the applicant's completion of his pre-separation counseling on 14 May 2009 are noted; however, we do not find this as a sufficient basis to deny the requested relief, as the President did not sign into law the supplemental bill, extending Post-9/11 GI Bill educational benefits to dependents, until later in the year. In view of this, and noting the proximity of the applicant's retirement to the advent of newly-established procedures for executing a request to transfer these benefits, we believe a preponderance of the evidence establishes that he may not have been briefed in this regard. Therefore, we recommend the records be corrected as indicated below.
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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 15 August 2009, he elected to transfer his Post 9/11 GI Bill Educational Benefits.

The following members of the Board considered AFBCMR Docket Number BC-2012-02049 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 Docket Number BC-2012-02049 was considered:

- Exhibit A. DD Form 149, dated 7 May 2012.
- Exhibit B. Letter, AFPC/DPSIT, dated 29 May 2012, w/atck.
- Exhibit C. Letter, SAF/MRBR dated 25 June 2012.