

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02143
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

He be allowed to transfer his Post 9/11 Montgomery GI Bill (MGIB) benefits to his children.

APPLICANT CONTENDS THAT:

He was not briefed that his election for TEB had to be accomplished prior to his retirement. He found out two years later after attempting to transfer his benefit to his child.

The applicant does not provide any evidence in support of his appeal.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS:

The applicant is a former member of the Regular Air Force who retired effective 1 September 2009 in the grade of technical sergeant (E-6).

The remaining relevant facts, extracted from the applicant's military service records, are reflected in the evaluation by the Air Force office of primary responsibility at Exhibit B.

AIR FORCE EVALUATION:

AFPC/DPSIT recommends denial. DPSIT states the applicant did receive a pre-separation counseling on 4 April 2008. He selected "not applicable" on the DD Form 2648, Block 13, *Education/Training*, line a (*Education Benefits, Montgomery GI Bill, Veterans Educational Assistance Program, Vietnam-era, etc.*). Additionally, between 4 April 2008 and 22 January 2012, there was no attempt by the applicant to inquire about the benefits. The personnel programs tracking system indicates the applicant's spouse contacted the Total Force Service Center on 23 January 2012 (three years after the applicant's retirement) inquiring about the Post 9/11 MGIB program.

The complete AFPC/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 June 2012 for review and comments within 30 days. As of this date, no response has been received.

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 4 April 2008 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 the following 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 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 Docket Number BC-2012-02143 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 for AFBCMR Docket Number BC-2012-02143:

- Exhibit A. DD Form 149, dated 23 May 12.
- Exhibit B. Letter, AFPC/DPSIT, dated 7 Jun 12.
- Exhibit C. Letter, SAF/MRBR, dated 19 Jun 12.

Panel Chair