

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER:
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

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

APPLICANT CONTENDS THAT:

Had he served another year he would have been able to transfer the education benefits to his children and would have done so, but he was not informed. He was active duty from 1984 to 1998.

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:

DPTT recommends denial. DPTT states the mechanism for transferring Post 9/11 GI Bill benefits was available on 29 June 2009 but, by law, the applicant was required to be active duty or selected reserve on 1 August 2009 as well as on the date the request to transfer was initiated. Each year Congress reconsiders allowing the transfer opportunity for members who retired before the inception of the program. To date Congress has declined to make that change. Based on the facts the applicant is not eligible to transfer benefits to his dependents. He retains the right to use the benefits himself.

The DPTT complete evaluation is at Exhibit B.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

On 16 July 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 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 an error or injustice. The applicant's contentions are duly noted; however, we agree with the opinion and recommendation of the Air Force office of primary responsibility and adopt its 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.

THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of an error or an injustice; the application was denied without a personal appearance; and the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

The following members of the Board considered AFBCMR Docket Number BC-2012-02277 in Executive Session on 8 January 2013, under the provisions of AFI 36-2603:

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-02277 was considered:

- Exhibit A. DD Form 149, dated 26 May 2012.
- Exhibit B. Letter, ARPC/DPTT, dated 2 July 2012.
- Exhibit C. Letter, SAF/MRBR, dated 16 July 2012.