

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02407
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His Reserve Service Commitment (RSC) be adjusted in the Transfer of Benefits (TEB) System.

APPLICANT CONTENDS THAT:

He is currently serving on a three-year Extended Active Duty (EAD) tour under the Limited Period Recall Program which should satisfy the requirements for electing TEB.

Before returning to active duty, he signed a Reserve Service Commitment for three years for his election of Post 9/11 GI Bill TEB with an Active Duty Service Commitment (ADSC) of 2 December 2012. Since then, his obligation end date is reflected as 20 October 2013 in the Secretary of Defense website. Therefore, he cannot retire after his current period of service. He believes his commitment should be based on his Statement of Understanding (SOU) and the RSC on file.

In support of his appeal, the applicant provides copies of his TEB documents.

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

STATEMENT OF FACTS:

The applicant is currently a member of the Air Force Reserve who is serving on an EAD tour in the grade of lieutenant colonel (O-5).

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

AIR FORCE EVALUATION:

AFRC/A1K recommends denial. A1K states the applicant did not apply in the TEB system until 21 October 2010, almost one year from the date he completed his SOU. Based on the governing directives of the program, the RSC begins on the date the member applies in the TEB system.

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 22 August 2012, for review and comment within 30 days (Exhibit C). 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. Insufficient relevant evidence has been presented to demonstrate the existence of error or injustice. We took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinion and recommendation of the Air Force office of primary responsibility and adopt their 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 in this application.
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THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of material error or injustice; that the application was denied without a personal appearance; and that 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-2012-02407 in Executive Session on 11 February 2013, under the provisions of AFI 36-2603:

_____, Panel Chair
_____, Member
_____, Member

The following documentary evidence was considered in connection with AFBCMR Docket Number BC-2012-02407:

- Exhibit A. DD Form 149, dated 11 May 12, w/atchs.
- Exhibit B. Letter, AFRC/A1K, dated 6 Aug 12.
- Exhibit C. Letter, SAF/MRBR, dated 22 Aug 12.

Acting Panel Chair