

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02432
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:

He was not aware that the Transfer of Education Benefits (TEB) had to be accomplished prior to his retirement. He was stressed during his out-processing, but intended on transferring his benefits to his spouse.

In support of the applicant's request, he provides a copy of an e-mail communication.

His complete submission is at Exhibit A.

STATEMENT OF FACTS:

The applicant retired from the Regular Air Force on 1 Aug 10 in the grade of staff sergeant.

The remaining relevant facts pertaining to this application are contained in the letter prepared by the appropriate offices of the Air Force, which are at Exhibit B.

AIR FORCE EVALUATION:

AFPC/DPSIT recommends denial stating that the Post 9/11 GI Bill, Chapter 33, became effective 1 Aug 09 based on Post 9/11 Veteran Education Act of 2008. The Public Law states in part, that "an individual may transfer such entitlement only while serving as a member of the Armed Forces when the transfer is executed." Articles were published that explained the program benefits and requirements. This communication plan was carefully implemented

because there is no provision in the law or DoD policy for a waiver if a member retires without transferring the benefits. The opportunity to transfer is not an entitlement and is in fact intended as a retention tool in exchange for additional service. Every effort was made, even before the program became available, to convey information to eligible members.

In this case, the applicant did not provide adequate justification or documentation. The applicant received pre-separation counseling on 15 Apr 10 and indicated he did not want counseling for educational benefits prior to his retirement. Additionally, the TEB system does not show any record of the applicant applying to transfer his benefits.

The complete DPSIT evaluation, with attachment, 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 Jun 12 for review and comment within 30 days. 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 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 in this application.

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-2012-02432 in Executive Session on 8 Jan 13, under the provisions of AFI 36-2603:

, Panel Chair
, Member
, Member

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 31 May 12, w/atch.
Exhibit B. Letter, AFPC/DPSIT, dated 19 Jun 12, w/atch.
Exhibit C. Letter, SAF/MRBR, dated 26 Jul 12.

Acting Panel Chair

