

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02521

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

He be allowed to transfer his Post-9/11 GI Bill Education benefits to his dependent.

APPLICANT CONTENDS THAT:

He served in the Air Force for 26 years. His wife was devoted to him and the service for 23 of those years. Throughout his career, their plan was for her to continue her education. He was never briefed that he could transfer his Veterans Benefits to her prior to retiring or he would have done so. During his transition assistance program briefing he recalls specifically asking if he could transfer his benefits and the instructor told him yes.

The applicant submits no supporting documentation.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS:

The applicant retired from the Regular Air Force on 1 February 2008 in the grade of master sergeant.

AIR FORCE EVALUATION:

AFPC/DPSIT recommends denial. For the first time in history, service members enrolled in 38 U.S.C, Chapter 33 (Post-9/11 Educational Assistance) were able to transfer their benefits to their dependent spouse or children. Any member of the Armed Forces, active duty, or Selected Reserve, officer or enlisted, on or after 1 August 2009, who is eligible for the Post-9/11 GI Bill, had at least 6 years of service on the date of election may transfer unused Post-9/11 education benefits to their dependents. Service Secretary's were required, as of 22 June 2009, to provide and document counseling regarding these

benefits. The Air Force developed a communication plan implementing the Post-9/11 GI Bill and transfer to dependent program using external media. There was various news articles about the Post-9/11 GI Bill, most noted, the requirement to be on active duty on the 1 August 2009 effective date of the Bill to be eligible to transfer benefits.

The applicant retired on 1 February 2008, the Post-9/11 GI Bill Transfer of Educational Benefits (TEB) program was not in effect at that time.

The complete DPSIT evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 16 July 2012, for review and comment within 30 days (Exhibit D). 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. The applicant retired effective 1 February 2008 and the Transfer of Educational Benefits (TEB) system did not begin accepting applications until 27 June 2009, with an effective date no earlier than 1 August 2009. 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-2012-02521 in Executive Session on 8 January 2013, under the provisions of AFI 36-2603:

, Panel Chair
, Member
, Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 5 May 12.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSIT, dated 2 Jul 12.
- Exhibit D. Letter, SAF/MRBR, dated 16 Jul 12.

Panel Chair