

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-03357  
COUNSEL: NO  
HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

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

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APPLICANT CONTENDS THAT:

1. In 2006, when he retired he was never informed by the Department of Veterans Affairs (DVA) or anyone else that he was eligible for post retirement education benefits under any program subsequent, to include the Montgomery GI Bill (MGIB); or that he could convert his MGIB to the Post-9/11 GI Bill; or that he could transfer his benefit to his dependents, or any family member so they could use his benefits. Had he known he was eligible to transfer his benefits, he would have done so for his oldest daughter during her freshman year at Southwestern University.

2. The VA benefit was caught by Southwestern University pursuant to reviewing his daughter's financial aid package. The Southwestern University finance office stated "this is quite common for the VA to omit."

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

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STATEMENT OF FACTS:

On 1 Oct 06, the applicant retired in the grade of major. He served 26 years, 3 months, and 3 days of total active service.

Any member of the Armed Forces, active duty or Selected Reserve, officer or enlisted, on or after 1 Aug 09, who is eligible for the Post-9/11 GI Bill, has at least 6 years of service in the Armed Forces on the date of election, and agrees to serve a specified additional period in the Armed Forces from the date of election (if applicable), may transfer unused Post-9/11 benefits

to their dependents pursuant to Service regulations (38 USC 3319(b)(1)).

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AIR FORCE EVALUATION:

AFPC/DPSIT recommends denial. DPSIT states that there has been no injustice to the extent that the applicant did not receive adequate counseling as required by law and Department of Defense (DoD) regulation. In addition, the Post-9/11 GI Bill education benefits program was not in effect during the period the applicant was on active duty.

The complete DPSIT evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 28 Aug 12, for review and comment within 30 days (Exhibit D). As of this date, this office has not received a response.

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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 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.
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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.

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The following members of the Board considered AFBCMR BC-2012-03357 in Executive Session on 11 Feb 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 Jul 07 {sic}, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSIT, dated 13 Aug 12.
- Exhibit D. Letter, SAF/MRBR, dated 28 Aug 2.

Acting Panel Chair