

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-03660
COUNSEL: NO
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

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

APPLICANT CONTENDS THAT:

On 15 Oct 09, he completed actions to transfer 100 percent of his Post-9/11 GI Bill education benefits to his son. Two days later, he completed actions to transfer half of his benefits to his daughter. His son has successfully used his portion of the benefits; however, upon checking to ensure his daughter could start using her portion, he discovered that his second transaction did not take effect.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS:

On 1 Nov 10, the applicant retired in the grade of lieutenant colonel. He served 20 years and 27 days of total active service.

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

AIR FORCE EVALUATION:

AFPC/DPSIT recommends denial. DPSIT states that the applicant did not provide adequate justification or documentation there was an error on the part of the Air Force. He simply states after transferring all 36 months of his Post-9/11 GI Bill education benefits to his son, he went back to transfer half of his Post-9/11 GI Bill education benefits to his daughter. However, there is no documentation supporting his request.

On 21 Jul 09, the applicant was counseled by the education office. The counseling notes reflect the applicant was "advised

to monitor the Department of Veterans Affairs (DVA), the Air Force Personnel Center (AFPC), and the Transfer of Educational Benefits (TEB) website for updates and status."

Title 38, United States Code (USC), Chapter 33, section 3319(f)(1) states "an individual may transfer such entitlement only while serving as a member of the armed forces when the transfer is executed."

The complete DPSIT evaluation, with attachments, is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

By letter dated 17 Sep 12, the applicant clarified his original contentions. On 15 Oct 09, he went into the TEB website. He thought there might be a discrepancy with the number of months he was eligible for, so he transferred all 36 months of his TEB to his son. The following day he contacted the VA to get clarification and the method used for calculation was explained to him, and he was reminded that all transfers had to be completed while on active duty. On 17 Oct 09, he transferred 18 months of TEB to his daughter. Following his daughter's graduation from high school, he discovered that his second transfer did not take effect. He has no documentation proving the second transaction took place, only his recollection of the events at the time.

The applicant's complete response is at Exhibit E.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was not timely filed.
3. Insufficient relevant evidence has been presented to demonstrate the existence of an error or injustice. The applicant's complete submission was thoroughly reviewed and his contentions were duly noted. However, we do not find the applicant's assertions sufficiently persuasive to override the rationale provided by the Air Force office of primary responsibility. Therefore, we agree with the opinion and recommendation of the Air Force office of primary responsibility and adopt its rationale as the basis for our decision the applicant has failed to sustain his burden of the existence of an error or injustice. In view of the above and 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 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 BC-2012-03660 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 26 Jul 12.
- Exhibit B. Applicant's Master Personnel Record.
- Exhibit C. Letter, AFPC/DPSIT, dated 27 Aug 12, w/atchs.
- Exhibit D. Letter, SAF/MRBR, dated 11 Sep 12.
- Exhibit E. Letter, Applicant, dated 17 Sep 12.

Acting Panel Chair