

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN, RET,
XXX-XX-[REDACTED]

b. In accordance with reference (b), the option to transfer a Service member's unused education benefits to an eligible dependent required a 4-year additional service obligation at the time of election for those eligible to retire on or after 1 August 2012. Additionally, enlisted personnel were required to have sufficient time on contract to meet the additional service requirement prior to initiating their electronic transfer election. However, there was a provision for personnel with at least 10 years of service on the date of election to serve a lesser obligation if they were precluded from committing to a 4-year service obligation because of standard policy (Navy or Department of Defense) or federal statute. These members were required to serve the maximum amount of time allowed by that policy or statute. Furthermore, the policy directed members to check the status of their application. If the request was disapproved, members were required to take corrective action and reapply with a new service obligation end date.

c. Reference (c), amended the high year tenure policy, changing length of service gate for E-6 from 20-years to 22-years of active service.

d. Petitioner's Active Duty Service Date was 23 December 1998. See enclosure (2).

e. Petitioner reenlisted on 10 May 2012 for a term of 6-years. See enclosure (3).

f. On 14 September 2015, Petitioner extended the 10 May 2012 reenlistment for an aggregate of 8-months; end of active obligated service 9 January 2019. See enclosure (3).

g. Petitioner submitted Transfer of Education Benefits (TEB) application on 28 September 2018. The Service disapproved the application indicating reject reason "C" – Service Member has not committed to the required additional service time. See enclosure (4).

h. Petitioner voluntarily transferred to the Fleet Reserve effective 1 January 2019. See enclosure (2).

MAJORITY CONCLUSION

Upon review and consideration of all the evidence of record, the Board majority concluded Petitioner's request warrants favorable corrective action. In this regard, the Board majority determined Petitioner met the basic eligibility criteria to transfer Post-9/11 GI Bill benefits to his eligible dependent, but failed to complete the process as outlined in reference (b). The Board majority conclude Petitioner may have lacked understanding of the necessary steps to complete the TEB process in his alleged 2014 submission and attempted to correct the mistake on 28 September 2018 prior to retirement. Although Petitioner did not complete the proper administrative requirements, the Board determined his initial TEB application and continued active duty service since the inception of the TEB program in August 2009 met the spirit and intent of reference (d); therefore, under these circumstances, relief is warranted.

MAJORITY RECOMMENDATION

That the Petitioner's naval record be corrected, where appropriate, to show that:

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Petitioner elected to transfer unused education benefits to [REDACTED] 18-months and [REDACTED] 18-months through the MilConnect TEB portal on 10 May 2012.

Commander, Navy Personnel Command (PERS-314) reviewed Petitioner's TEB application and it was approved on 10 May 2012 with a 4-year obligation.

MINORITY CONCLUSION

In reaching his conclusion, the minority member determined that the Navy Transferability of Post-9/11 GI Bill policy clearly outlined the requirements and procedures to transfer education benefits. Additionally, Petitioner did not provide the Board with any evidence of attempting to transfer education benefits in 2014 as he asserted. Moreover, Petitioner submitted a TEB application prior to retirement, thereby appearing to be aware of the process; therefore, relief was not warranted.

MINORITY RECOMMENDATION

That the Petitioner's request be denied.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. The foregoing action of the Board is submitted for your review and action.

8/13/2021

[REDACTED]

Executive Director

Assistant General Counsel (Manpower and Reserve Affairs)

Reviewed and Approved Majority Board Recommendation (Grant Relief)

~~Review and Approved Minority Board Recommendation (Deny Relief)~~

8/23/2021

[REDACTED]

Assistant General Counsel (M&RA)

Signed by [REDACTED]