



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

[REDACTED]  
Docket No. 335-21  
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

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

Ref: (a) Title 10 U.S.C. § 1552  
(b) BUPERSNOTE 1780

Encl: (1) DD Form 149 w/attachments  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to establish eligibility to transfer Post-9/11 GI Bill education benefits to eligible dependents.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED], and Mr. [REDACTED], reviewed Petitioner's allegations of error and injustice on 22 September 2021 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval record, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. The Post-9/11 Veterans Educational Assistance Act (Post-9/11 GI Bill, Public Law 110-252) was signed into law on 30 June 2008 and became effective on 1 August 2009. The bill provides financial support for education and housing for service members with at least 90 days of service on or after 11 September 2001. The act also includes provision for qualifying service members to transfer education benefits to their eligible dependents. General descriptions of the essential components of the law were widely available beginning in summer 2008 but specific implementing guidance was not published until summer 2009.

b. In accordance with reference (b), the option to transfer a Service member's unused education benefits to an eligible dependent required a 1-year additional service obligation at the time of election for those eligible to retire on or after 1 August 2009 and before 1 August 2010. Additionally, service members may not add dependents after retirement or separation from the

[REDACTED]

Armed Forces, but may modify the number of months of the transferred benefits after retirement or separation for those dependents who received transferred benefits prior to separation or retirement.

c. On 4 February 2010, Petitioner completed 20 total years of qualifying service; Notification of Eligibility (NOE) to Receive Retired Pay at Age 60 and Participate in the Reserve Component Survivor Benefit Plan (RCSBP) was issued on 14 June 2010.

d. On 13 August 2009, "Additional Service Obligation for Transfer of Post 911 G.I. Bill Benefits" NAVPERS 1070/613, Administrative Remarks was entered into Petitioner's electronic service record.

e. Petitioner submitted Transfer of Education Benefits (TEB) application on 22 July 2010 allocating education benefits to [REDACTED]/18-months and [REDACTED]/18-months. The service approved the application with an obligation end date of 11 February 2010.

f. On 4 February 2015, Petitioner married [REDACTED] and acquired two stepchildren; [REDACTED] and [REDACTED].

g. Petitioner transferred to the Retired Reserves effective 1 July 2020.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. Petitioner was approved to transfer Post-9/11 GI Bill education benefits; however, he failed to allocate benefits to each of his dependents prior to retiring. Although Petitioner did not complete the proper administrative requirements, the Board found that had Petitioner received clear guidance regarding the inability to distribute the education benefits upon retiring, he would have taken the appropriate action prior to retiring on 1 July 2020.

## RECOMMENDATION

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

Petitioner modified allocation of unused education benefits to [REDACTED]/6-months, [REDACTED]/1-month, [REDACTED]/28-months, and [REDACTED]/1-month through the MilConnect TEB portal prior to transferring to the Retired Reserve effective 1 July 2020.

Commander, Navy Reserve Forces Command (CNRFC N1) reviewed Petitioner's TEB application and it was approved with an obligation end date of 11 February 2010. Note: CNRFC N1 shall ensure MilConnect is updated with the aforementioned allocations.

A copy of this Report of Proceedings will be filed in Petitioner's naval record.



[REDACTED]

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. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

9/22/2021

[REDACTED]

[REDACTED]

Deputy Director

[REDACTED]