



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

■  
Docket No. 2679-21  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ■■■■■ ■■■■■  
USN RET

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

Encl: (1) DD Form 149 w/attachments  
(2) NAVPERS 1070/601 of 20 Sep 13  
(3) DEERS Screens  
(4) BEAST Screens  
(5) DD Form 214 of 31 Jan 18

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 transfer Post-9/11 GI Bill education benefits to his eligible dependent children.

2. The Board, reviewed Petitioner's allegations of error and injustice on 10 November 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 enclosures (1) through (5), relevant portions of Petitioner's naval records, 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. In accordance with reference (b), education benefits may not be transferred to a new dependents or a dependent with "0" months allocated once the transferor is no longer a member of the Armed Forces.

b. Petitioner executed a NAVPERS 1070/601, Immediate Reenlistment Contract on 20 September 2013 for a term of 4 years. See enclosure (2).

c. Petitioner married ■■■■■ on 20 September 2013. See enclosure (3).

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d. Petitioner submitted Transfer of Education Benefits (TEB) application on 31 October 2013. The Service approved the application with an obligation end date of 19 September 2017. See enclosure (4).

e. Petitioner's children were born: [REDACTED] on 5 November 2014, and [REDACTED] on 5 July 2016. See enclosure (3).

f. Petitioner transferred to the Fleet Reserve effective 1 February 2018. See enclosure (5).

#### MAJORITY CONCLUSION

Upon review and consideration of all the evidence of record, the Board majority concluded the Petitioner's request warrants favorable corrective action. In this regard, the Board majority determined Petitioner was approved to transfer Post-9/11 GI Bill education benefits; however, he failed to allocate months of education benefits to each of his dependents prior to retiring. Although the Petitioner did not complete the proper administrative requirements, the Board found that had he received clear counseling from his command regarding the inability to distribute the education benefits after retiring, he would have taken the appropriate action prior to retiring. Therefore, under these circumstances, relief is warranted.

#### MAJORITY RECOMMENDATION

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

Petitioner elected to transfer unused education benefits to [REDACTED]/36-months through the MilConnect TEB Portal on 31 October 2013. Note: Petitioner changed months of allocated education benefits prior to transferring to the Fleet Reserve to reflect [REDACTED]/11-months, [REDACTED]/8-months, and [REDACTED]/8-months.

Commander, Navy Personnel Command (PERS-314) reviewed the Petitioner's TEB application and it was approved on 1 November 2013 with an obligation end date of 19 September 2017. Note: PERS-314 shall ensure Petitioner's record reflects the approved aforementioned allocations.

#### MINORITY CONCLUSION

Upon review and consideration of all the evidence of record, the Board minority member determined that reference (b) clearly outlined the requirements and procedures to allocate unused Post-9/11 GI Bill education benefits, prior to retirement. Additionally, the Board minority noted Petitioner transferred months of education benefits to his spouse, thereby evident that he was aware of the process to transfer months of education benefits; therefore, relief is not warranted.

#### MINORITY RECOMMENDATION

That the Petitioner's request be denied.

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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.

12/3//2021

[REDACTED]

Executive Director

From: Assistant General Counsel (Manpower and Reserve Affairs)

**Reviewed and Approved Majority Board Recommendation (Grant Relief)**

Reviewed and Approved Minority Board Recommendation (Deny Relief)

12/14/2021

[REDACTED]

Assistant General Counsel (M&RA)

[REDACTED]