



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

[REDACTED]  
Docket No. 4423-21  
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552  
(b) BUPERSNOTE 1780  
(c) NAVADMIN 020/19  
(d) NAVADMIN 178/19  
(e) Title 38 U.S.C. Chapter 33

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 [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 12 January 2022 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 (TEB) 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) and (c), 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. Enlisted personnel were required to have sufficient time on contract to meet the additional service requirement prior to initiating their electronic transfer election. Reference (c) further required enlisted Sailors within 4 years of high year tenure (HYT) must have a hard or soft end of obligated service (EOS) reflected in Navy Standard Integrated Personnel System Electronic Service Record that coincides with the month and year of their HYT before applying for TEB. Moreover, the policy directed members to periodically check the status of their application. If the request was rejected, members were required to take corrective action and reapply with a new service obligation end date.

c. Reference (d), updated the TEB process indicating members who have served 16 or more years may transfer Post-9/11 GI Bill benefits to their eligible dependents until 12 January 2020 with an additional 4-year service obligation on active duty.

d. Petitioner's Active Duty Service Date is 1 April 2000.

e. On 22 August 2012, Petitioner reenlisted for a term of 6-years.

f. On 23 August 2018, Petitioner's Personnel Support Detachment released a 37-month extension effective 22 August 2018; EOS 21 September 2021.

g. Petitioner submitted TEB application on 30 May 2019. The Service rejected the application on 31 May 2019 indicating, Petitioner "has not committed to the required additional service time."

h. Petitioner submitted second TEB application on 6 June 2019. The Service rejected the application on 7 June 2019 indicating, Petitioner "has not committed to the required additional service time."

i. On 14 February 2020, Petitioner signed NAVPERS 1070/621, Agreement to Extend Enlistment for 7-months to align with HYT date; EOS 21 April 2022.

## CONCLUSION

Petitioner met the basic eligibility criteria to transfer Post-9/11 GI Bill benefits to his eligible dependents; however, he failed to complete the administrative requirements in accordance with references (b) through (d). Although the proper administrative requirements were not completed, the Board found Petitioner provided sufficient evidence reflecting intent to transfer education benefits, and has served over 12-years of active duty service since the inception of the ability to TEB on 1 August 2009, thereby meeting the spirit and intent of reference (e). The Board felt, under these circumstances, relief is warranted.

## RECOMMENDATION

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

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Petitioner elected to transfer unused education benefits to [REDACTED]/12-months, [REDACTED]/12-months, and [REDACTED]/12-months through the MilConnect TEB portal on 22 August 2012.

Commander, Navy Personnel Command (PERS-314) reviewed Petitioner's TEB application and it was approved on 22 August 2012 with a 4-year service obligation.

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

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.

2/4/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]