



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

[REDACTED]  
Docket No. 6238-21  
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552  
(b) DODI 1341.13

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

1. Pursuant to the provisions of reference (a), Subject's spouse, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that her spouse's naval record be corrected to establish eligibility to transfer Post-9/11 GI Bill<sup>1</sup> education benefits to his eligible dependents.<sup>2</sup>

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 2 March 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 Subject'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, she exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

- a. Subject's Active Duty Service Date was 18 September 2007.
- b. Subject reenlisted on 10 February 2014 for a term of 6 years.
- c. Subject submitted TEB applications on 30 November 2017, and 1 March 2018. The Service rejected both applications indicating, Subject "has not committed to the required additional service time."

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<sup>1</sup> 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.

<sup>2</sup> In accordance with reference (b), an individual may not add dependents after retirement or separation from the Armed Forces, but may modify or revoke transferred entitlement for existing designated dependents. Additionally, the policy indicates the Service member will be considered to have completed his or her previously approved transfer of education benefits (TEB) related service agreement upon being medically separated or retired.

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- d. Subject reenlisted on 12 September 2018 for a term of 6 years.
- e. Subject submitted final TEB application on 16 September 2018. The Service approved the application with an obligation end date of 15 September 2022.
- f. Subject transferred to the Permanent Disability Retired List (PDRL) effective 28 June 2021.
- g. Subject passed away on 19 July 2021.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. Subject 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 Subject 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 upon retiring, he would have taken the appropriate action prior to transferring to the PDRL. Additionally, the Board noted that Subject's TEB obligation end date should be adjusted to align with his transfer to PDRL in accordance with reference (b).

RECOMMENDATION

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

Subject elected to allocate unused months of education benefits to [REDACTED]/12-months, [REDACTED]/12-months, and [REDACTED]/12-months through the MilConnect TEB portal prior to transferring to the PDRL effective 28 June 2021.

Commander, Navy Personnel Command (PERS-311) adjusted Subject's obligation end date to align with his transfer to PDRL effective 28 June 2021. Note: PERS-311 shall ensure Subject's Benefits for Education Administrative Services Tool Family Member History is updated with the aforementioned approved allocation of education benefits.

A copy of this Report of Proceedings will be filed in Subject'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.

3/23/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]