



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

█
Docket No. 7575-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █ █ USNR,
█

Ref: (a) Title 10 U.S.C. §1552
(b) BUPERSNOTE 1780
(c) NAVADMIN 170/18
(d) NAVADMIN 236/18
(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 her naval record be corrected to establish eligibility to transfer Post-9/11 GI Bill education benefits to eligible dependent effective 17 September 2017.

2. The Board, consisting of █ and █ reviewed Petitioner's allegations of error and injustice on 8 February 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, she exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. Pursuant to Department of Defense Instruction 1341.13, reference (c) promulgated revision to the required NAVPERS 1070/613¹ effective 16 July 2018.

¹ 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. Additionally, all officers were required to have a NAVPERS 1070/613, Administrative Remarks, prepared by their command in the Navy Standard Integrated Personnel System Electronic Service Record (ESR), agreeing to serve the required additional years of service prior to initiating their electronic transfer election. Furthermore, the policy directed members to periodically check the status of their application; a denied transfer of education benefits (TEB) application required member to take corrective action and reapply with a new service obligation end date.

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[REDACTED]

b. Reference (d), updated the TEB process by establishing an online, self-service Statement of Understanding that replaced the NAVPERS 1070/613, Administrative Remarks effective 1 October 2018.

c. Petitioner's Pay Entry Base Date is 5 June 1990.

d. On 17 September 2017, "Additional Service Obligation for Transfer of Post 911 G.I. Bill Benefits" NAVPERS 1070/613, Administrative Remarks was uploaded to Petitioner's ESR, however, the entry was not verified. Petitioner provided a signed copy of the NAVPERS 1070/613 but it was not uploaded to her official military personnel file (OMPF).

e. On 1 August 2018, Petitioner submitted a TEB application. The Service rejected the applications on 3 August 2018 indicating, Petitioner "has not committed to the required additional service time."

f. On 6 December 2018, Petitioner submitted a second TEB application. The Service rejected the applications on 7 December 2018 indicating, Petitioner "has not committed to the required additional service time."

g. On 25 January 2019, Petitioner submitted final TEB application. The Service approved the application on 28 January 2019 with an obligation end date of 24 January 2023.

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 met the basic eligibility criteria to transfer Post-9/11 GI Bill education benefits but failed to complete the administrative requirements outlined in references (b) through (d). Although Petitioner did not complete the proper administrative requirements, the Board determined by signing the "Additional Service Obligation for Transfer of Post 911 G.I. Bill Benefits" NAVPERS 1070/613, Administrative Remarks and continued Selected Reserve service thereafter met the spirit and intent of reference (e); therefore, under these circumstances, relief is warranted.

RECOMMENDATION

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

Petitioner, in coordination with her command completed the required NAVPERS 1070/613, Administrative Remarks on 17 September 2017 and submitted it to Commander, Navy Personnel Command for inclusion in the Petitioner's OMPF.

Petitioner elected to transfer unused education benefits to [REDACTED] through the MilConnect TEB portal on 17 September 2017.

Commander, Navy Personnel Command (PERS-311) reviewed Petitioner's TEB application and it was approved on 17 September 2017 with a 4-year service obligation

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[REDACTED]

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.

3/14/2022

[REDACTED]

Deputy Director

[REDACTED]