



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

█
Docket No. 7593-21
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) Title 10 U.S.C. § 1552
(b) BUPERSNOTE 1780
(c) DODI 1341.13

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 ██████████ and ██████████ reviewed Petitioner's allegations of error and injustice on 19 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 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 4-year additional service obligation at the time of election. However, reference (c) provided exceptions to adjust service obligations for

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those previously approved members that are discharged for physical or mental conditions, not a disability that did not result from his or her willful misconduct, but did interfere with the performance of duty.

- c. Petitioner's Active Duty Service Date was 5 September 1995.
- d. On 1 November 2010, Petitioner reenlisted for a term of 4-years.
- e. Petitioner submitted TEB application on 13 July 2015. The Service rejected the application indicating, Petitioner "has not committed to the required additional service time."
- f. On 23 February 2016, Petitioner reenlisted for a term of 5-years.
- g. Petitioner submitted TEB application on 1 March 2016. The Service approved the application on 2 March 2016 with an obligation end date of 29 February 2020.
- h. Petitioner transferred to the Fleet Reserve effective 1 October 2019.

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 complete his obligated service due to an alleged medical condition that prevented him from continuing service as a Submarine Navigation Electronic Technician and transferred the Fleet Reserve. Although Petitioner did not complete the proper administrative requirements, the Board found that had Petitioner received clear guidance regarding the retention of his TEB approval based on the provisions of reference (c), he would have taken the appropriate action. Therefore, the Board felt, under these circumstances, relief is warranted.

RECOMMENDATION

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

Petitioner elected to transfer unused education benefits to [REDACTED], [REDACTED], [REDACTED] and [REDACTED] through the MilConnect TEB portal on 1 November 2010.

Commander, Navy Personnel Command (PERS-314) reviewed Petitioner's TEB application and it was approved on 1 November 2010 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.

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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.

2/11/2022

[REDACTED]

Deputy Director

[REDACTED]