



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

[REDACTED]  
Docket No. 7909-21  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED] [REDACTED] USN RET,  
[REDACTED]

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 that his naval record be corrected to establish eligibility to transfer Post-9/11 GI Bill education benefits to his eligible dependents.

2. The Board, consisting of [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 16 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, 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. Additionally, enlisted personnel were required to have sufficient time on contract to meet the additional service requirement 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 the member to take corrective action and reapply with a new service obligation end date.

c. Pursuant to Department of Defense Instruction 1341.13, change 1 incorporated on 12 July 2018, the Navy promulgated references (c) and (d) reiterating that Sailors must be eligible to be retained for 4-years from the date of transfer education benefits (TEB) election and provided the process to TEB.

d. Petitioner's Active Duty Service Date was 2 October 1990.

e. Petitioner reenlisted on 27 July 2007 for a term of 3 years.

f. On 12 March 2009, a 24-month extension was entered into the corporate system; end of active service (EAS) 26 July 2012.

g. Petitioner submitted TEB application on 20 July 2011. The Service rejected the application indicating, Petitioner "has not committed the required additional service time."

h. Petitioner reenlisted on 11 July 2012 for a term of 4 years, on 4 March 2016 for 2 years, on 1 March 2018 for 2 years and thereafter executed an aggregate of 20-months of extensions; EAS 31 October 2021.

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

j. Petitioner transferred to the Retired List effective 1 August 2021 with 30 years, 9 months and 29 days of active duty service.

## 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 benefits to his eligible dependents; however, he failed to complete the administrative requirements outlined in 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 served over 10-years of active duty after his initial TEB application submission, thereby meeting the spirit and intent of reference (e). The Board felt, under these circumstances, relief is warranted.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED] USN RET,  
[REDACTED]

RECOMMENDATION

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

Petitioner elected to transfer unused education benefits to [REDACTED] and [REDACTED] through the MilConnect TEB portal on 11 July 2012.

Commander, Navy Personnel Command (PERS-314) reviewed Petitioner's TEB application and it was approved on 11 July 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.

[REDACTED]

Deputy Director  
[REDACTED]