



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

[REDACTED]  
Docket No. 70-22  
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]

Ref: (a) Title 10 U.S.C. §1552  
(b) NAVADMIN 203/09  
(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 her naval record be corrected to establish eligibility to transfer Post-9/11 GI Bill education benefits to eligible dependents effective 16 December 2009.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 15 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. 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.

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

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 for those eligible to retire on or after 1 August 2012. 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, enlisted personnel with greater than 24 months and less than 48 months to their end of active obligated service had until 1 January 2010 to apply for a short-term extension to be approved by Navy Personnel Command (PERS-811/812). Moreover, 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, reference (c) promulgated revision to the required NAVPERS 1070/613, Administrative Remarks effective 16 July 2018.

d. 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.

e. Petitioner's Active Duty Service Date was 23 March 1999.

f. Petitioner reenlisted on 29 May 2009 for a term of 4-years and thereafter executed two extensions for an aggregate of 10-months.

g. On 15 December 2009, "Additional Service Obligation for Transfer of Post 9/11 G.I. Bill Benefits" NAVPERS 1070/613, Administrative Remarks was uploaded to Petitioner's ESR but the upload was not verified until 19 February 2015.

h. On 16 December 2009, Petitioner signed NAVPERS 1070/622, Agreement to Remain on Active Duty until 28 November 2013 "To incur sufficient obligated service for Post 9/11 G.I. Bill, transfer eligibility in accordance with NAVADMIN 203/09."

i. Petitioner reenlisted on 14 March 2014 for a term of 2-years, on 28 October 2015 for 2-years with 8-month extension, and on 26 June 2018 for a term of 2-years.

j. Petitioner was approved to transfer to the Fleet Reserve on 27 March 2019.

k. Petitioner submitted initial TEB application on 2 April 2019. The Service rejected the application on 15 April 2019 indicating, Petitioner "has not committed to the required additional service time."

l. Petitioner submitted second TEB application on 12 June 2019. The Service rejected the application on 14 June 2019 indicating, Petitioner "has not committed to the required additional service time."

m. Petitioner resubmitted final TEB application on 3 July 2019. The Service initially approved the application on 11 July 2019 with an obligation end date of 2 July 2023; however, the approval was rescinded the same day.

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

n. Petitioner voluntarily transferred to the Fleet Reserve effective 1 August 2019 with 20 years, 4 months, and 8 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 education benefits to her eligible dependents, but failed to complete the administrative requirements outlined in references (b) through (d). Although the proper administrative requirements were not completed, the Board felt that Petitioner executing the 6-month extension on 16 December 2009 and completing over 9-years of active duty service thereafter, met the spirit and intent of reference (e).

## RECOMMENDATION

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

On 16 December 2009, cognizant authority approved Petitioner to execute a 6-month extension to her 29 May 2009 reenlistment to incur sufficient obligated service to TEB.

Petitioner elected to transfer unused education benefits to [REDACTED]/12-months through the MilConnect TEB portal on 15 December 2009.

Commander, Navy Personnel Command (PERS-314) reviewed Petitioner's TEB application and it was approved on 15 December 2009 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] 3/15/2022

Deputy Director

Signed by: [REDACTED]