



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

██████████  
Docket No. 1468-22  
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) NAVADMIN 203/09  
(c) BUPERSNOTE 1780  
(d) Title 38 U.S.C. Chapter 33

Encl: (1) DD Form 149 w/attachments  
(2) DD Form 214 of 31 Aug 16  
(3) Petitioner ltr of 6 Apr 11  
(4) ██████████ 106 ltr 1000 Ser 00/163 of 8 Apr 11  
(5) NAVPERS 1070/613 of 22 Jun 11  
(6) NSIPS Administrative Remarks Screen  
(7) DMDC TEB Screen  
(8) BEAST Screen  
(9) Petitioner/PERS-311 email of 23-27 Sep 21

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. A three-member panel of the Board, sitting in executive session, considered Petitioner's application on 9 March 2022. The names and votes of the panel members will be furnished upon request. Petitioner allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of enclosures (1) through (9), Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies, to include references (b) through (d).

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:

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

- a. Petitioner's Active Duty Service Date was 4 October 1993. See enclosure (2).
- b. On 6 April 2011 Petitioner submitted a request to Chief of Naval Operations, Manpower, Personnel, Education and Training (OPNAV N15) via Strike Fighter Squadron [REDACTED] to retroactively approve transferring education benefits (TEB) request with an effective date of 1 August 2009. [REDACTED] favorable endorsed the request on 8 April 2011, however, a response from OPNAV N15 was not provided. See enclosures (3)-(4).
- c. On 22 June 2011 Petitioner signed "Post 911 GI Bill Transfer to Dependents" NAVPERS 1070/613 and it was uploaded to his Navy Standard Integrated Personnel System (NSIPS) Electronic Service Record (ESR).<sup>1</sup> See enclosures (5)-(6).
- d. On 27 May 2013 Petitioner acknowledged the requirements of TEB and submitted his electronic application. The Service approved the application on 28 May 2013 with an obligation end date of 26 May 2017. See enclosures (7)-(8).
- e. Petitioner transferred to the retired list effective 1 September 2016 with 22 years, 10 months and 27 days of active duty service. See enclosure (2).
- f. On 24 September 2021 Navy Personnel Command (PERS-311) informed Petitioner "I did check all of our electronic files and could not find any correspondence between you on the this office. In your letter, which you indicate was sent to this office in 2011, you were asking for TEB request to be backdate to 2009, however, you had not obtained TEB approval in 2011, and had not submitted a TEB request." See enclosure (9).
- g. Petitioner contends that his Post 9/11 GI Bill transferability obligation ended on 21 June 2015, which was well before his retirement of 31 August 2016. Petitioner's states that he took extraordinary steps while on active duty to transfer his Post 9/11 GI Bill and provided numerous evidence to support his claims. See enclosure (1).

## BOARD CONCLUSION

Upon review and consideration of all the evidence of record, the Board concluded Petitioner's request does not warrant favorable corrective action. In this regard, the Board determined that the Navy Transferability of Post-9/11 GI Bill policies clearly outlined the requirements and procedures to transfer education benefits. Petitioner signed the required Administrative Remarks on 22 June 2011 indicating, he understood the 4-year additional service obligation—from the date of requesting to TEB, and the consequences of not completing the service obligation. Additionally, when submitting an application via the MilConnect TEB portal, all service members must acknowledge a series of requirements before proceeding with their application.

---

<sup>1</sup> References (b) and (c), outlined eligibility, processing, service obligation, and reference information germane to TEB to eligible dependents before retiring. Specifically, the policies indicate that 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. To garner approval, officers were required to have a NAVPERS 1070/613, Administrative Remarks, prepared by their command in the NSIPS ESR, agreeing to serve the required additional years of service and then complete electronic transfer election via the MilConnect TEB portal.

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

Included in these requirements is “I understand and agree to remain in the Armed Forces for the period required. I understand that failure to complete that service may lead to an overpayment by the Department of Veterans Affairs for any payment made.” Furthermore, when approved to TEB, the MilConnect TEB portal generates a congratulatory letter for the service member that outlines date of request, obligation end date and list the dependents that received months of unused education benefits. Therefore, the Board felt, overall Petitioner had sufficient information regarding the transfer of Post-9/11 GI Bill to make an informed decision on voluntarily retiring before completing his obligation.

#### BOARD RECOMMENDATION

In view of the above, the Board recommends no relief.

#### EXECUTIVE DIRECTOR CONCLUSION

Taking into account the findings of the Board, the Executive Director finds that corrective action is warranted in Petitioner’s case, in consideration of reference (d). The Executive Director concurred that references (b) and (c) defined the requirements for members to transfer their education benefits. However, the Executive Director disagreed with the Board’s recommendation that no further corrective action be taken. Petitioner met part of the criteria to transfer his Post-9/11 GI Bill education benefits to his eligible dependents by signing the NAVPERS 1070/613 on 22 June 2011, but failed to complete the administrative requirements outlined in references (b) and (c) in a timely manner. In this regard, the Executive Director noted that had Petitioner received proper counseling at the time he signed his NAVPERS 1070/613, he would have completed the TEB requirements in 2011 vs 2013. Moreover, Petitioner completed over 5-years of active duty service after signing the required NAVPERS 107/613, Administrative Remarks, thereby meeting the spirit and intent of reference (d).

#### EXECUTIVE DIRECTOR RECOMMENDATION

In view of the above, the Executive Director recommends the following corrective action.

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

Petitioner elected to transfer his unused education benefits to [REDACTED] [REDACTED] and [REDACTED] through the MilConnect TEB portal on 22 June 2011.

Commander, Navy Personnel Command (PERS-314) reviewed Petitioner’s TEB application, and it was approved on 22 June 2011 with a 4-year service obligation.

That no further changes be made to the record.

That a copy of this report of proceedings be filed in Petitioner’s naval record.

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

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. The foregoing action of the Board is submitted for your review and action.

3/30/2022

[REDACTED]

Executive Director

From: Assistant General Counsel (Manpower and Reserve Affairs)

Reviewed and Approved Board Recommendation (Deny Relief)

Reviewed and Approved Executive Director Recommendation (Grant Relief)

4/7/2022

[REDACTED]

Assistant General Counsel (M&RA)

[REDACTED]