



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

█
Docket No. 2071-22
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) 10 U.S.C. § 1552
(b) BUPERSNOTE 1780
(c) NAVADMIN 236/18
(d) Title 38 U.S.C. Chapter 33

Encl: (1) DD Form 149 w/ attachments
(2) BEAST Screen
(3) NSIPS Administrative Remarks Screen
(4) NAVPERS 1070/613 of 8 Sep 17
(5) BUPERS Order: 2371
(6) DD Form 214 of 31 Dec 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 effective 8 September 2017.

2. A three-member panel of the Board, sitting in executive session, considered Petitioner's application on 30 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 (6), 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:

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

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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. Petitioner submitted transfer of education benefits (TEB) application on 30 May 2014. The Service rejected the application on 2 June 2014 indicating, Petitioner “has not committed to the required additional service time.” See enclosure (2).

c. Petitioner submitted second TEB application on 3 August 2015. The Service rejected the application on the same day indicating, Petitioner “has not committed to the required additional service time.” See enclosure (2).

d. On 8 September 2017, “Agreement to Obligate for Transferability of Post-9/11, REAP, or MGIB-SR Educational Benefits” NAVPERS 1070/613, Administrative Remarks was entered into Petitioner’s Electronic Service Record (ESR) and verified on 31 October 2017. See enclosures (3) and (4).

e. On 25 August 2021, Petitioner issued BUPERS Order: 2371 (Official Retirement Orders). See enclosure (5).

f. Petitioner submitted third TEB application on 1 September 2021. The Service rejected the application on 2 September 2021 indicating, Petitioner “has not committed to the required additional service time.” See enclosure (2).

g. Petitioner submitted final TEB application on 9 September 2021. The Service rejected the application the same day indicating, Petitioner “has not committed to the required additional service time.” See enclosure (2).

h. Petitioner transferred to the Retired List effective 1 January 2022. See enclosure (6).

BOARD CONCLUSION

Upon review and consideration of all the evidence of record, the Board concluded the 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 submitted multiple TEB applications, thereby appearing to be aware of the process but failed to take corrective action in a timely manner; therefore, relief is not warranted.

BOARD RECOMMENDATION

That the Petitioner’s request be denied.

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[REDACTED]

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)¹ and (c)² 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, but did not complete some of the administrative requirements outlined in references (b) and (c). In this regard, the Executive Director noted that Petitioner submitted his TEB application on 30 May 2014, 3 August 2015, 1 September 2021, and 9 September 2021 and each time the Service rejected his applications because Petitioner did not commit to the required additional service time, however, he continued to serve until his retirement on 1 January 2022. Additionally, on 8 September 2017, Petitioner's NAVPERS 1070/613 was entered into Petitioner's ESR and verified on 31 October 2017. Therefore, the Executive Director concluded that the Petitioner clearly did not understand all the administrative requirements, based on his multiple attempts since 2014, and had he received suitable counseling, he would have completed the proper steps.

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]/24-months, and [REDACTED]/12-months through the MilConnect TEB portal on 8 September 2017.

Commander, Navy Personnel Command (PERS-314) reviewed Petitioner's TEB application, and it was approved on 8 September 2017 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.

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.

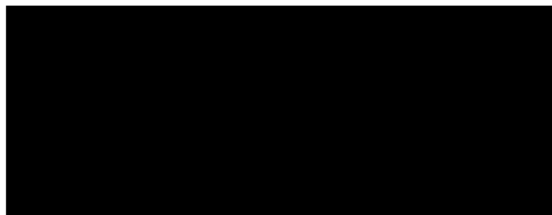
¹ Reference (b), the option to transfer a Service member's unused education benefits to an eligible dependent required a 4-year additional service obligation at the time of election. Additionally, all officers were required to have a NAVPERS 1070/613, Administrative Remarks, prepared by their command in the Navy Standard Integrated Personnel System 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 TEB application required the member to take corrective action and reapply with a new service obligation end date.

² Reference (c), 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.

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[REDACTED]

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

4/25//2022



From: Assistant General Counsel (Manpower and Reserve Affairs)

Reviewed and Approved Board Recommendation (Deny Relief)

Reviewed and Approved Executive Director Recommendation (Grant Relief)

5/4/2022

