



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

██████████
Docket No. 3185-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████, ██████████
██████████

Ref: (a) Title 10 U.S.C. § 1552
(b) BUPERSNOTE 1780
(c) 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 eligible dependent daughter.

2. The Board, consisting of ██████████ reviewed Petitioner's allegations of error and injustice on 18 May 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. Petitioner's Pay Entry Base Date was 4 October 1998.
- b. Petitioner commissioned in the U.S. Marine Corps Reserve (USMCR) on 11 December 1998. Petitioner later commissioned in the U.S. Marine Corps on 6 August 2003.
- c. Petitioner transferred to the USMCR on 14 July 2008.
- d. Petitioner submitted request for conditional release from the USMCR on 27 September 2011; Service approved Petitioner's request on 11 January 2012.
- e. Petitioner commissioned in the U.S. Navy Reserve on 30 April 2012.
- f. On 3 February 2015, "4 Year Service Obligation for Transfer of Post 9-11 GI Bill Benefits" NAVPERS 1070/613, Administrative Remarks was uploaded to Petitioner's Electronic Service Record.
- g. Petitioner transferred to the Retired Reserve without pay effective 1 September 2019.

Enclosure (1)

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

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 but failed to complete the administrative requirements outlined in reference (b)¹. Although Petitioner did not complete the administrative requirements, the Board concluded that had he received proper counseling, he would have been able to transfer unused education benefits to eligible dependents once he signed the required NAVPERS 1070/613 on 3 February 2015. Additionally, Petitioner completed over 4 years of service after signing the NAVPERS 1070/613, thereby meeting the spirit and intent of reference (c). 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]/36-months through the MilConnect Transfer of Electronic Benefits (TEB) portal on 3 February 2015.

Commander, Navy Reserve Forces Command (N1C2) reviewed Petitioner's TEB application and it was approved on 3 February 2015 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.

6/7/2022

[REDACTED]

Deputy Director
[REDACTED]

¹ 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.

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 Electronic Service Record, agreeing to serve the required additional years of service, followed by submitting their electronic transfer election via the MilConnect Transfer of Electronic Benefits portal.