



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

[REDACTED]
Docket No. 4264-22
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S.C. Chapter 33
(c) MILPERSMAN 1780-011

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 his Post-9/11 GI Bill education benefits to his eligible dependents.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 29 June 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 Active Duty Service Date is 13 July 2001.
- b. On 23 July 2010 Petitioner reenlisted for a term of 5 years and again on 1 December 2014 for a term of 5 years.
- c. On 5 June 2018, Petitioner signed NAVPERS 1070/621, Agreement to Extend Enlistment for a term of 24 months to "incur sufficient obligated service to executed BUPERS Order 0948 dated 180404 in accordance with MILPERSMAN 1160-040."
- d. Petitioner submitted transfer of education benefits (TEB) application on 25 May 2022. The Service rejected the application on 26 May 2022 indicating, Petitioner "has not committed to the required additional service time."
- e. Petitioner extended an additional 8-months on current contract on 1 June 2022. Petitioner's record indicates he has 32 operative extension months and another 12 months pending.

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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 education benefits to his eligible dependents; however, he failed to complete the administrative requirements outlined in reference (c)¹. Although Petitioner did not complete the proper administrative requirements, the Board concluded that he completed over 12-years of active duty service after the inception of the ability to TEB, thereby meeting the spirit and intent of reference (b)². 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]/1-month, [REDACTED]/1-month, and [REDACTED]/1-month through the MilConnect TEB portal on 23 July 2010.

Commander, Navy Personnel Command (PERS-314) reviewed Petitioner's TEB application and it was approved on 23 July 2010 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.

7/15/2022

[REDACTED]

¹ Reference (c), the option to transfer a Service member's unused education benefits to an eligible dependent requires a 4-year additional service obligation at the time of election. Additionally, enlisted personnel are required to have sufficient time on contract to meet the additional service requirement and complete the online, self-service Statement of Understanding prior to initiating their electronic transfer election. Furthermore, the policy directs members to periodically check the status of their application; denied TEB applications requires members to take corrective action and reapply with a new service obligation end date.

² Reference (b), 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.