



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

[REDACTED]  
Docket No. 5565-22  
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552  
(b) Title 38 U.S.C. Chp 33  
(c) BUPERSNOTE 1780  
(d) NAVADMIN 236/18

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 dependents.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 24 August 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. 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.

b. In accordance with reference (c), the option to transfer a Service member's unused education benefits to an eligible dependent required a 4-year additional service obligation at the

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time of election. 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, the policy directed members to periodically check the status of their application; a denied transfer of education benefits (TEB) application required member to take corrective action and reapply with a new service obligation end date.

c. Reference (d), updated the TEB process by establishing an online, self-service Statement of Understanding (SOU) that is to be completed by all Sailors effective 1 October 2018 and must be done prior to submitting TEB application.

d. Petitioner's Active Duty Service Date is 29 April 2002.

e. Petitioner reenlisted on 18 March 2010 for a term of 4 years, on 19 November 2012 for 4 years, on 17 November 2016 for 2 years, on 7 December 2019 for 4 years.

f. On 3 February 2020, Petitioner signed NAVPERS 1070/621, Agreement to Extend Enlistment for an aggregate term of 2-months "To incur sufficient obligated service to execute BUPERS Order [REDACTED] dated 19JUN25 in accordance with MILPERSMAN 1160-040"; end of active obligated service is 6 February 2024.

g. Petitioner submitted TEB application on 4 February 2020. The Service rejected the application on 7 February 2020 indicating, Petitioner "has not committed to the required additional service time."

h. On 2 February 2022, Navy Personnel Command (PERS-311) responded to Petitioner's inquiry regarding his denied TEB application. PERS-311 indicated the TEB application was denied due to Petitioner not completing the TEB SOU before submitting his TEB application.

## 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 references (c) and (d). Although Petitioner did not complete the proper administrative requirements, the Board concluded that he completed over 13-years of active duty service after the inception of the ability to TEB, thereby meeting the spirit and intent of reference (b). 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]/3-month, [REDACTED]  
[REDACTED]/3-month, [REDACTED]/3-month, and [REDACTED]/3-month through the  
MilConnect TEB portal on 18 March 2010.

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Commander, Navy Personnel Command (PERS-314) reviewed Petitioner's TEB application and it was approved on 18 March 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.

[REDACTED] 9/14/2022

Deputy Director

Signed by: [REDACTED]