



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

██████████  
Docket No. 6566-22  
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552  
(b) Title 38 U.S.C. Chapter 33  
(c) BUPERSNOTE 1780  
(d) NAVADMIN 236/18  
(e) DODI 1341.13

Encl: (1) DD Form 149 w/attachments  
(2) Member Data Summary  
(3) Immediate Reenlistment Contract, 27 Mar 20  
(4) Abbreviated MEB Report, 20 Dec 21  
(5) Benefits for Education Administrative Services Tool  
(6) History of Assignments  
(7) Abbreviated MEB Report, 20 Jun 22

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 her naval record be corrected to establish eligibility to transfer Post-9/11 GI Bill education benefits to eligible dependent son.

2. The Board, reviewed Petitioner's allegations of error and injustice on 14 September 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 enclosures (1) through (7), relevant portions of Petitioner's naval records, 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, she 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

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

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's Active Duty Service Date is 29 August 2012. Enclosure (2).
- c. On 27 March 2020, Petitioner reenlisted for a term of 5 years. Enclosure (3).
- d. On 20 December 2021, Petitioner placed on limited duty through 19 June 2022. Enclosure (4).
- e. Petitioner submitted transfer of education benefits (TEB) application on 25 January 2022. The Service rejected the application on 26 January 2022 indicating, Petitioner "has not committed to the required additional service time." Enclosure (5).
- f. Petitioner transferred to Transient Personnel Support Unit effective 1 February 2022. Enclosure (6).
- g. On 20 June 2022, Petitioner placed on limited duty through 19 December 2022. Enclosure (7).
- h. Petitioner contends she reenlisted in March 2020 for TEB, and upon arrival to her next command was trying to figure out if the TEB process was complete but was unable to find help. Petitioner claims that she was put on limited duty in January 2022, and shown that her TEB was not completed. Petitioner contends that she was advised to resubmit her TEB application, and did so in January 2022 which was denied on 25 January 2022. Petitioner states that she is currently on limited duty with a potential for a Medical Evaluation Board (MEB) and is unable to reenlist further to meet the required obligated service for TEB. Enclosure (1).

## MAJORITY CONCLUSION

Upon review and consideration of all the evidence of record, the Board Majority concluded the Petitioner's request warrants favorable corrective action. In this regard, the majority determined Petitioner met the basic eligibility to transfer Post-9/11 GI Bill education benefits after 28 August 2018<sup>1</sup> but failed to complete the administrative requirements outlined in references (c)<sup>2</sup> and (d).<sup>3</sup> The majority found that had Petitioner received adequate counseling when she reenlisted on 27 March 2020, she would have completed the proper steps to garner approval to

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<sup>1</sup> After completing 6 years of active duty.

<sup>2</sup> Reference (c), the option to transfer unused education benefits to an eligible dependent requires a Service member to have at least 6 years of active duty or Selected Reserve service and agree to incur 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 prior to initiating their electronic transfer election and have 30 days following reenlistment to submit TEB application.

<sup>3</sup> Reference (d), updated the TEB process by establishing an online, self-service Statement of Understanding that is to be completed by all Sailors effective 1 October 2018 and must be done prior to submitting TEB application.

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

TEB at that time and would not be required to complete the TEB service obligation if found unfit for duty by MEB or Disability Evaluation System (DES),<sup>4</sup> therefore, under these circumstances, relief is warranted.

#### MAJORITY RECOMMENDATION

In view of the foregoing, the Board Majority recommends the following corrective action:

Petitioner, in coordination with her command completed the required TEB Statement of Understanding on 27 March 2020 and submitted it to Commander, Navy Personnel Command for inclusion in the Petitioner's Official Military Personnel File.

Petitioner elected to transfer unused education benefits to [REDACTED]/36 months through the MilConnect TEB portal on 27 March 2020.

Commander, Navy Personnel Command (PERS-311) reviewed Petitioner's TEB application and it was approved on 27 March 2020 with a 4-year service obligation.

Note: Petitioner must complete the 4-year service obligation if found fit for further service or meet the requirements as stated in reference (e) to be eligible for TEB.

That no further correction action be taken on Petitioner's naval record.

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

#### MINORITY CONCLUSION

Upon review and consideration of all the evidence of record, the Board Minority concluded Petitioner's request does not warrant favorable action. The minority noted the Navy Transferability of Post-9/11 GI Bill policies clearly outline the requirements and procedures to transfer education benefits. Petitioner submitted a TEB application on 25 January 2022,<sup>5</sup> thereby appearing to be aware of the requirements but failed to follow the same requirements when she reenlisted on 27 March 2020 to incur a 4-year service obligation, therefore, relief is not warranted.

#### MINORITY RECOMMENDATION

In view of the foregoing, the Board Minority recommends that no corrective action be taken on Petitioner's naval record.

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<sup>4</sup> Reference (e), members must be eligible to be retained for 4 years from the date of election and not be precluded, prior to approval, by either standard policy (Service or Department of Defense) or statute. Members who have not applied for TEB, who are on limited duty or involved in a MEB, Physical Evaluation Board, or DES process must wait until the process is complete before applying. Service members who are discharged or released from active duty or the Selected Reserve, with an honorable discharge for an injury or disability found to be in the line of duty based on results of MEB and DES processing when a member was found unfit for duty will be considered to have completed his or her previously approved TEB-related service agreement.

<sup>5</sup> 22 months after Petitioner reenlisted.

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

10/3/2022

[REDACTED]

Executive Director

From: Assistant General Counsel (Manpower and Reserve Affairs)

Reviewed and Approved Board Majority Recommendation (Grant Relief)

Reviewed and Approved Board Minority Recommendation (Deny Relief)

10/27/2022

[REDACTED]

Assistant General Counsel (M&RA)

[REDACTED]