



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

[REDACTED]  
Docket No. 6684-22  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]

Ref: (a) Title 10 U.S.C. § 1552  
(b) BUPERSNOTE 1780  
(c) 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] reviewed Petitioner's allegations of error and injustice on 21 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 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 unused education benefits to an eligible dependent requires a Service member to have at least 6 years of active duty or Selected Reserve (SELRES) service and agree to incur a 4-year additional service obligation at the 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; denied transfer of education benefits (TEB) applications required members to take corrective action and reapply with a new service obligation end date.

c. Reference (c), 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. On 27 August 2015, Petitioner enlisted in the Naval Reserve for a term of 8 years.

e. Petitioner accessed on active duty from 19 October 2015 through 12 February 2016 for initial active duty for training; thereafter served in the SELRES from 13 February 2016 through 26 April 2018.

f. On 27 April 2018, Petitioner reenlisted for a term of 4 years under Reserve Component to Active Component Career-Waypoints authorization.

g. On 29 June 2021, Petitioner reenlisted for a term of 5 years.

h. Petitioner submitted TEB application on 9 July 2021. The Service rejected the application on 16 July 2021 indicating, Petitioner “has not committed to the required additional service time.”

i. Petitioner submitted additional TEB applications on 28 July 2021 and 17 August 2021. The Service rejected the applications on 29 July 2021 and 21 August 2021 indicating, Petitioner “does not have 6 years in the Armed Forces.”

j. Petitioner submitted additional TEB applications on 20 September 2021, 27 September 2021, 6 October 2021, and 13 December 2021. The Service rejected the applications indicating, Petitioner “has not committed to the required additional service time.”

## 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 initially, did not meet the basic eligibility criteria to transfer Post-9/11 GI Bill education benefits in accordance with reference (b). However, upon meeting the service requirement, Petitioner failed to complete the SOU before reapplying to TEB as outlined in reference (c). Although Petitioner did not complete the proper administrative requirements, the Board felt, had he received the appropriate counseling, he would have taken the steps required to garner approval; therefore, under this circumstance, relief is warranted.

## RECOMMENDATION

That Petitioner’s naval record be corrected, where appropriate, to show that:

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]

Petitioner, in coordination with his command completed the required TEB SOU on 13 December 2021 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] month, and [REDACTED]-month through the MilConnect TEB portal on 13 December 2021.

Commander, Navy Personnel Command (PERS-311) reviewed Petitioner's TEB application and it was approved on 13 December 2021 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.

10/6/2022

[REDACTED]