



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

[REDACTED]
Docket No. 810-23
Ref: Signature Date

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

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

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

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 his eligible dependents.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 9 March 2023 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 was 30 November 1996.

b. Petitioner submitted transfer of education benefits (TEB) application on 9 February 2010. The Service rejected the application indicating, Petitioner "has not committed to the required additional service time."

c. On 18 March 2010, "Montgomery GI Bill – Selected Reserve (MGIB-SR) Statement of Understanding" NAVPERS 1070/613, Administrative Remarks was uploaded to Petitioner's ESR; verified on 27 November 2012.

d. Petitioner submitted two additional TEB applications on 14 October 2014 and 30 October 2016. The Service rejected both applications indicating, Petitioner "has not committed to the required additional service time."

e. Petitioner transferred to the Retired List effective 1 January 2017.

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[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 benefits to his eligible dependents; however, he failed to complete the administrative requirements outlined in reference (c). Although the proper administrative requirements were not completed, the Board found Petitioner provided sufficient evidence reflecting intent to transfer education benefits, and served over 6 years of active duty after his initial TEB application submission, thereby meeting the spirit and intent of reference (b). The Board felt, under these circumstances, relief is warranted.

RECOMMENDATION

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

Petitioner, in coordination with his command completed the required NAVPERS 1070/613, Administrative Remarks on 9 February 2010, and submitted to Commander, Navy Personnel Command for inclusion in the Petitioner's Official Military Personnel File.

Petitioner elected to transfer unused education benefits to [REDACTED]/9-months, [REDACTED]/9-months, [REDACTED]/9-months, and [REDACTED]/9-months through the MilConnect TEB portal on 9 February 2010.

Commander, Navy Personnel Command (PERS-314) reviewed Petitioner's TEB application and it was approved on 9 February 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.

3/13/2023

[REDACTED]

Deputy Director

[REDACTED]