



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

■
Docket No. 1393-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD IC0 [REDACTED], USNR,
[REDACTED] (RET)

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S.C. Chp 33
(c) BUPERSNOTE 1780
(d) MILPERSMAN 1160-120

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 dependent daughter.

2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 22 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 Pay Entry Base Date was 26 March 1993.
- b. Petitioner mobilized in support of [REDACTED] and [REDACTED] from 19 January 2004 through 5 January 2005.
- c. Petitioner advanced to Electronics Technician Second Class/E-5 effective 16 August 2004.
- d. Petitioner mobilized in support of [REDACTED] and [REDACTED] from 30 March 2007 through 13 April 2008.
- e. Petitioner's [REDACTED] reflects "[REDACTED] Post 9/11 Transfer to Dependents" NAVPERS 1070/613, Administrative Remarks was entered on 8 January 2012.
- f. Petitioner reenlisted on 3 March 2012 for a term of 5 years.

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g. On 26 March 2013, Petitioner reached [REDACTED] gate and transferred to the [REDACTED] effective 1 April 2013.

h. Petitioner earned 20 total years of qualifying service on 23 April 2013.

i. Petitioner transferred to the Retired Reserve without pay effective 1 June 2013.

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 education benefits, however, failed to complete the administrative requirements outlined in reference (c). Although Petitioner did not complete the proper administrative requirements, the Board concluded that had he received adequate counseling he would have submitted his Transfer of Education Benefits (TEB) application when he reenlisted on 3 March 2012 and completed the maximum time authorized by policy before transferring to the [REDACTED]. 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]/36-months through the MilConnect TEB portal on 3 March 2012.

Commander, Navy Reserve Forces Command (CNRFC) (N1) reviewed Petitioner's TEB application and it was approved on 3 March 2012 with a 4-year service obligation. Note: CNRFC (N1) is directed to ensure Petitioner's obligation end date is adjusted to align with his transfer to the [REDACTED] effective 1 April 2013 as a result of reaching [REDACTED].

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.

3/29/2023

[REDACTED]
Deputy Director
[REDACTED]