



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

■
Docket No. 1628-23
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) 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 retain 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 7 June 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 18 September 1997.

b. Petitioner submitted Transfer of Education Benefits (TEB) applications on 10 November 2009, 7 May 2012, and 18 April 2013. The Service rejected the applications indicating, Petitioner "had not committed to the required additional service time."

c. On 26 November 2013, "Post 9/11 GI Bill Eligibility (Officers)" NAVPERS 1070/613, Administrative Remarks was uploaded to Petitioner's Electronic Service Record (ESR) and verified on 27 November 2013.

d. On 2 December 2013, Petitioner submitted TEB application electing to transfer unused education benefits to [REDACTED]/36-months. The Service approved the TEB application on

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3 December 2013 with an obligation end date of 1 December 2017.

e. On 4 April 2017, Petitioner issued BUPERS Order: 0947 (Official Retirement Orders) directing transfer to the Retired List effective 1 October 2017 and indicated “Your attention is invited to the special additional information section which should be completed and contain the separation code SGB [Non-Selection, Permanent Promotion] in block 26.”

f. On 30 September 2017, Petitioner transferred to the Retired List and issued DD Form 214, Certificate of Release or Discharge from Active Duty with a Separation Code of “RBD” and Narrative Reason for Separation “Sufficient Service for Retirement.”

g. On 5 June 2023, Navy Personnel Command (PERS-80B) confirmed Petitioner failed of selection (FOS) for promotion to Lieutenant Commander/O-4 during Fiscal Years 2016, 2017 and 2018 and that his DD Form 214 is incorrect.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting the following corrective action. The Board concluded Petitioner involuntarily retired as a result of three time FOS. However, Petitioner’s DD Form 214 is incorrect as it indicates a voluntary separation code that has affected the ability to adjust his TEB obligation end date in accordance with reference (b).¹ The Board is unable to change Petitioner’s approved TEB obligation end date without correcting his DD Form 214 to accurately reflect his involuntary separation per BUPERS Order: 0947 (Official Retirement Orders). Therefore, the Board agreed, under these circumstances, partial relief is warranted.

RECOMMENDATION

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

Petitioner’s DD Form 214, Certificate of Release or Discharge from Active Duty ending on 30 September 2017 is amended to reflect Block 26 (Separation Code) “SGB” vice “RBD” and Block 28 (Narrative Reason for Separation) “Non-Selection, Permanent Promotion” vice “Sufficient Service for Retirement.” Note: Navy Personnel Command will issue a DD Form 215 or a new DD Form 214 whichever one they deem appropriate.

This change will enable Commander, Navy Personnel Command (PERS-311) to adjust Petitioner’s TEB obligation end date to align with his involuntary retirement date in accordance with reference (b).

¹ Reference (b), the option to transfer a Service member’s unused education benefits to an eligible dependent required a 4-year additional service obligation at the time of election. Additionally, all officers were required to have a NAVPERS 1070/613, Administrative Remarks, prepared by their command in the Navy Standard Integrated Personnel System ESR, agreeing to serve the required additional years of service prior to initiating their electronic transfer election. Furthermore, the policy directed members to periodically check the status of their application. If the request was disapproved, members were required to take corrective action and reapply with a new service obligation end date. Moreover, there were provisions in the policy that indicated if a member was prohibited from completing their service obligation as a result of Navy or Department of Defense policy, or federal statute, the obligation would be adjusted to the maximum amount of time allowed by that policy or statute.

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[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.

6/15/2023

