



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

■
Docket No. 2003-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER ■■■■■■■■■■, USNR,
XXX-XX ■■■■■■■■■■

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S.C. Chapter 33
(c) NAVADMIN 187/09
(d) NAVADMIN 203/09
(e) 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 twin daughters.

2. The Board, consisting of ■■■■■■■■■■, ■■■■■■■■■■, and ■■■■■■■■■■ reviewed Petitioner's allegations of error and injustice on 12 April 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 10 April 1995.
- b. On 3 January 2006, Petitioner enlisted in the Naval Reserve for a term of 3 years and assigned to a selected reserve (SELRES) unit.
- c. Petitioner advanced to Master-At-Arms Second Class/E-5 effective 16 March 2008.
- d. On 8 April 2008, Petitioner reenlisted for a term of 6 years.

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e. Petitioner “recalled to active duty in support of OEF/OIF [OPERATION ENDURING FREEDOM/OPERATION IRAQI FREEDOM] per Presidential Executive Order 12302 Title 10 USC Title” from 25 November 2009 through 6 November 2010; 11-months and 12-days of qualifying active duty service.

f. Petitioner “mobilized in support of OPERATION ENDURING FREEDOM, Sec 12302, Title 10 USC” from 29 December 2011 through 11 February 2013; 1-year, 1-month, and 13 days of qualifying active duty service.

g. Petitioner was honorably discharged on 28 February 2014 to reenlist on 1 March 2014 for a term of 2 years.

h. On 10 April 2015, Petitioner reached his high year tenure (HYT) gate and transferred to a voluntary training unit (subset of the Individual Ready Reserve) effective 5 May 2015.

i. On 20 March 2017, Petitioner discharged from the Naval Reserve and issued Separation Code “HHJ” - Unsatisfactory Performance (Enlisted), characterized as General (Under Honorable Conditions), and received a reentry code of “RE-4” – Not Eligible for Reenlistment Without Prior Approval of Chief of Naval Personnel.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. In accordance with reference (c), Petitioner met the basic eligibility criteria to transfer Post-9/11 GI Bill benefits to his eligible dependents, 90 days after mobilizing on 25 November 2009; at the time end of obligated service was 7 April 2014. Although Petitioner did not complete the proper administrative requirements, the Board concluded he received an honorable characterization of service for reenlistment period of 8 April 2008 through 28 February 2014. Moreover, Petitioner completed 4 years of SELRES service after being mobilization for 90 days starting on 25 November 2009, thereby meeting the spirit and intent of reference (b). Therefore, 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 26 February 2010, 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 ██████████/14 months and ██████████/14 months through the MilConnect Transfer of Education Benefits (TEB) portal on 26 February 2010.

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Commander, Navy Reserve Forces Command (N1) reviewed Petitioner's TEB application and it was approved on 26 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.

4/20/2023

[REDACTED]
Deputy Director
[REDACTED]