



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

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Docket No. 2338-23
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
(d) NAVADMIN 170/18
(e) NAVADMIN 236/18
(f) MILPERSMAN 1780-011

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 her naval record be corrected to establish eligibility to transfer Post-9/11 GI Bill education benefits to eligible dependent daughter effective 6 September 2018 and allocated 36 months of education benefits.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 14 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, she 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 references (c) and (d), 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 Electronic Service Record (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; a denied transfer of education benefits (TEB) application requires members to take corrective action and reapply with a new service obligation end date. Reference (c) also indicates members may transfer 36 months (or remaining months of eligibility, whichever is less) of education benefits spouse and or children.

c. Reference (e), updated the TEB process by establishing an online, self-service Statement of Understanding that replaced the NAVPERS 1070/613, Administrative Remarks effective 1 October 2018. Reference (f), consolidated Navy TEB directives, and messages reiterating the eligibility requirements and procedures to TEB.

d. Petitioner's Active Duty Service Date is 3 March 1998.

e. Petitioner's Benefits for Education Administrative Services Tool (BEAST) was updated on 8 March 2012 indicating 2 months of Montgomery GI Bill education benefits was used.

f. On 1 November 2017, Petitioner accepted a regular commission in the U.S. Navy.

g. On 6 September 2018, Petitioner submitted TEB application. The Service rejected the application on 7 September 2018 indicating, Petitioner "had not committed to the required additional service time." The required NAVPERS 1070/613, Administrative Remarks is not reflected in Petitioner's ESR.

h. On 8 March 2023, Petitioner completed the online, self-service SOU and resubmitted TEB application. The Service rejected the application on 15 March 2023 indicating, Petitioner "had not committed to the required additional service time." Petitioner has an approved retirement date of 1 January 2024.

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 but failed to complete the administrative requirements outlined in references (c) and (d). Although Petitioner did not complete the proper administrative requirements, the Board determined her TEB application, and completion of over 4 years of continuous active duty service thereafter met the spirit and intent of reference (b), therefore, under these circumstances, partial relief is warranted.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]

RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that: Petitioner, in coordination with her command, completed the required NAVPERS 1070/613, Administrative Remarks, on 6 September 2018 and submitted it to the Commander, Navy Personnel Command, for inclusion in Petitioner's official military personnel file.

Petitioner elected to transfer unused education benefits to [REDACTED]/34-months through the MilConnect TEB portal on 6 September 2018.

Commander, Navy Personnel Command (PERS-314) reviewed Petitioner's TEB application and it was approved on 6 September 2018 with a 4-year service obligation.

The part of Petitioner's request for corrective action that exceeds the foregoing is denied in accordance with reference (c). Petitioner's record only reflects 34-months of unused education benefits.

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.

6/16/2023

