



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

██████████
Docket No. 2784-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USNR,
XXX-XX-██████████

Ref: (a) Title 10 U.S.C. § 1552
(b) BUPERSNOTE 1780
(c) NAVADMIN 236/18

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 ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 3 October 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. 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 (b) and (c), 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, enlisted personnel must complete the online self-service

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XXX-XX-[REDACTED]

Statement of Understanding, have sufficient time on contract to meet the additional service requirement and complete/submit electronic transfer election using the Transfer of Education Benefits (TEB) web application within 30 days of reenlistment.

c. Petitioner's Pay Entry Base Date is 22 January 2014.

d. On 12 February 2018, Petitioner reenlisted for 3 years and completed TEB Statement of Understanding on 10 December 2018.

e. On 19 April 2019, Petitioner signed NAVPERS 1070/621, Agreement to Extend Enlistment for 21 months "to incur sufficient obligated service to execute BUPERS Order [REDACTED] dated 19APR01 in accordance with MILPERSMAN 1160-040."

f. On 25 May 2022, Petitioner submitted TEB application with 5 months and 17 days remaining on contract. The Service rejected the application on 26 May 2022 indicating, Petitioner "has not committed to the required additional service time."

g. On 11 November 2022, Petitioner discharged with 8 years, 9 months, and 20 days of active duty service. Petitioner reenlisted in the Navy Reserve on 12 November 2022 for 4 years and assigned to a Selected Reserve unit.

h. Petitioner submitted TEB applications on 8 February 2023, 2 March 2023, 6 March 2023, 10 March 2023, 24 March 2023, 28 March 2023, and 30 March 2023. The Service rejected the applications indicating, Petitioner "has not committed to the required additional service time."

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 (b) and (c). The Board concluded that Navy Standard Integrated Personnel System reflects there was a delay in Petitioner's gain to the Navy Reserve, thereby impeding his ability to submit a TEB application within 30 days of reenlisting on 12 November 2022. Therefore, under this circumstance, the Board determined that 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]/17 months, and [REDACTED] t/17 months through the MilConnect TEB portal on 12 November 2022.

Commander, [REDACTED]) reviewed Petitioner's TEB application and it was approved on 12 November 2022 with a 4-year service obligation.

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Note: [REDACTED] will ensure Petitioner's Benefits for Education Administrative Services Tool Family Member History is updated with the aforementioned approved allocation of 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.

10/19/2023

