



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

[REDACTED]
Docket No. 3699-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S.C. Chapter 33
(c) BUPERSNOTE 1780
(d) NAVADMIN 236/18
(e) 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 her eligible dependents.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 31 May 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. Petitioner's Active Duty Service Date is 8 November 2000.
- b. On 18 September 2014, Petitioner reenlisted for a term of 6-years for the purpose of "Benefits of Rate/Transferability of Post 9-11, REAP, MGIB-SR education benefits to my dependents."
- c. Petitioner reenlisted on 26 June 2020 for a term of 3 years; 7 month extension reflected in electronic service record.
- d. Petitioner submitted transfer of education benefits (TEB) application on 7 April 2023. The Service rejected the application on 10 April 2023 indicating, Petitioner "has not committed to the required additional service time."

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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)¹ through (e).² Although Petitioner did not complete the appropriate administrative requirements, the Board concluded that had she received proper counseling, she would have been able to transfer unused education benefits to her daughter upon reenlisting on 18 September 2014. Moreover, Petitioner has completed over 8 years of continuous active duty service since reenlisting on 18 September 2014, thereby meeting the spirit and intent of reference (b). Therefore, the Board agreed, 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 18 September 2014.

Commander, Navy Personnel Command (PERS-314) reviewed Petitioner's TEB application and it was approved on 18 September 2014 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.

6/13/2023

[REDACTED]
Deputy Director

Signed by: [REDACTED]

¹ Reference (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 are required to have sufficient time on contract to meet the additional service requirement prior to initiating their electronic transfer election. Furthermore, the policy directed members to periodically check the status of their application; a denied TEB application required members to take corrective action and reapply with a new service obligation end date.

² Reference (d), updated the TEB process by establishing an online, self-service Statement of Understanding. All Sailors must complete the TEB Statement of Understanding prior to submitting a TEB application effective 1 October 2018. Reference (e), consolidated Navy TEB directives, and messages reiterating the eligibility requirements and procedures to TEB.