



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

██████████
Docket No. 5965-23
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-██████ RET

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S.C. Chapter 33
(c) 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 establish eligibility to transfer Post-9/11 GI Bill education benefits to his eligible dependent children.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 26 September 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. On 28 February 2001, Petitioner enlisted in the Navy Reserve and assigned to a selected reserve unit.

b. On 22 February 2008, Petitioner mobilized in support of Operation Enduring Freedom.

c. On 4 July 2008, Petitioner reenlisted for 6 years and demobilized and transferred to the Navy Reserve in a selected reserve status on 15 October 2008.

d. On 9 April 2011, "NAFW Post 9/11 Transfer to Dependents" Page 13 was uploaded to Petitioner's Electronic Service Record.

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e. On 7 June 2014, Petitioner reenlisted for 6 years.

f. On 27 June 2017, Petitioner issued "Physical Risk Classification" Page 13 indicating, "SNM is assigned Physical Risk Classification "NPQ Retention Not Recommended" per MILPERSMAN 6110-020 and COMNAVPERSCOM Millington TN 261642Z Jun 17."

g. On 1 July 2017, Petitioner transferred to the retired Reserve without pay.

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 reference (c).¹ Although Petitioner did not complete the proper administrative requirements, the Board determined had he received adequate counseling during the inception of Transfer of Education Benefits (TEB) he would have had sufficient time remaining on contract to meet the 4-year additional service requirement to transfer education benefits, thereby meeting the spirit and intent of reference (b). Therefore, the Board determined 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 TEB Page 13 on 1 August 2009 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 [REDACTED]/18 months and [REDACTED]/18-months through the MilConnect TEB portal on 1 August 2009.

Commander, Navy Reserve Forces Command (CNRFC N1) reviewed Petitioner's TEB application and it was approved on 1 August 2009 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

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. Qualifying active duty service for Selected Reserve members includes orders to active duty from a Reserve Component under Title 10 U.S.C. 12302. Additionally, the policy required enlisted Selected Reserve members to have a NAVPERS 1070/613, Administrative Remarks (Page 13), prepared by their command in the Navy Standard Integrated Personnel System Electronic Service Record, and have sufficient time on contract to meet the additional service requirement prior to initiating their electronic transfer election via the MilConnect Transfer of Education Benefits portal.

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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.

10/12/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]