



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

█
Docket No. 6892-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █

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 █ reviewed Petitioner's allegations of error and injustice on 19 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. Petitioner's Active Duty Service date is 3 January 2005.
- b. On 28 March 2013, Petitioner reenlisted for 6 years, and again on 20 July 2018 for 6 years.
- c. On 8 November 2018, Petitioner submitted Transfer Education Benefits (TEB) application. The Service rejected the application on 9 November 2018 indicating, Petitioner "has not committed to the required additional service time." Petitioner had not completed the required TEB Statement of Understanding (SOU).
- d. On 1 May 2021, Petitioner extended for 10 months.
- e. On 13 April 2023, Petitioner completed TEB SOU.
- f. On 19 April 2023, Petitioner submitted TEB application with 2 years and 1 month remaining on contract. The Service rejected the application on 20 April 2023 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).¹ Although Petitioner did not complete the appropriate administrative requirements, the Board concluded that had he received proper counseling he would have been able to TEB at the time of his 20 July 2018 reenlistment without the additional requirement of completing the TEB SOU. Therefore, the Board determined 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]/1-month, [REDACTED]/18-months, and [REDACTED]/17-months through the MilConnect TEB portal on 20 July 2018.

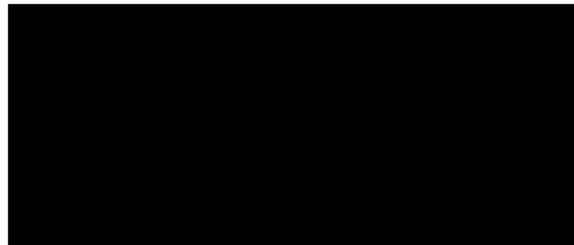
Commander, Navy Personnel Command (PERS-311) reviewed Petitioner's TEB application and it was approved on 20 July 2018 with a 4-year service obligation. Note: PERS-311 will ensure Petitioner's Benefits for Education Administrative Services Tool Family Member History is updated with the aforementioned 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.

10/3/2023



¹ Reference (b) and (c), the option to transfer a Service member's unused education benefits to an eligible dependent requires a 4-year additional service obligation at the time of election. Enlisted personnel are required to have sufficient time on contract to meet the additional service requirement prior to initiating their electronic transfer election. Furthermore, reference (b), 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. Reference (c) updated the TEB process by establishing an online, self-service TEB SOU for all Sailors submitting TEB request on or after 1 October 2018.