



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

█  
Docket No. 7259-23  
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

Encl: (1) DD Form 149  
(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 █ reviewed Petitioner's allegations of error and injustice on 13 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, to include reference (b).<sup>1</sup>

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 entered active duty on 26 December 1996.
- b. Petitioner dependents: █ married on 4 June 2005, █ born on 24 January 2005, and █ born on 9 September 2009.
- c. On 19 August 2010, Petitioner reenlisted for 6 years.
- d. On 16 September 2010, Petitioner submitted Transfer of Education Benefits (TEB) application and requested to allocate education benefits to █/18 months. The Service approved the application with an obligation end date of 15 September 2014.

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<sup>1</sup> Reference (b), an individual may not add dependents after retirement or separation from the Armed Forces, but may modify or revoke transferred entitlement for existing designated dependents.

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e. Petitioner's Benefits for Education Administrative Services Tool (BEAST) record reflects spouse used 13 months of Post 9/11 GI Bill education benefits; last payment made on 27 April 2012.

f. On 28 June 2018, Petitioner divorced spouse.

g. On 31 December 2018, Petitioner transferred to the Fleet Reserve.

h. On 24 April 2023, Petitioner revoked 5 months of education benefits from former spouse.

#### 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 was approved to TEB, however failed to allocate education benefits to each of his dependents prior to retiring. Although Petitioner did not complete the proper administrative requirements, the Board found that had he received clear counseling regarding the inability to distribute the education benefits upon retiring, he would have taken the appropriate action prior to transferring to the Fleet Reserve. Therefore, the Board determined under this circumstance, relief is warranted.

#### RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner modified his election to transfer unused education benefits to [REDACTED]/13 months, [REDACTED]/1-month, and [REDACTED]/1-month through the MilConnect TEB portal prior to transferring to the Fleet Reserve on 31 December 2018.

Note: Commander, Navy Personnel Command (PERS-311) will ensure Petitioner's BEAST 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.

9/22/2023

