



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

■
Docket No. 8841-23
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 170/18
(e) 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 her naval record be corrected to establish eligibility to transfer Post-9/11 GI Bill education benefits to eligible dependent children.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 25 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, 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 20 September 2000.
- b. Petitioner reenlisted on 21 March 2008 for 2 years and extended for 7 months; reenlisted on 9 April 2010 for 4 years and on 15 April 2013 for 5 years.
- c. On 16 September 2016, "Post 9 11 GI Bill" NAVPERS 1070/613, Administrative Remarks was uploaded to Petitioner electronic service record and verified.
- d. On 14 April 2017, Petitioner reenlisted for 3 years and thereafter extended for 15 months.

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

e. On 16 May 2019, Petitioner advanced to [REDACTED] Chief/E-7.

f. On 14 April 2020, Petitioner reenlisted for 3 years and subsequently extended for 17 months.

g. On 1 September 2023, Petitioner submitted transfer of education benefits (TEB) application with 1-year and 12 days remaining on contract. The Service rejected application indicating Petitioner “had not committed to the required additional service time.” Petitioner did not have sufficient obligated service to TEB and there is no record of her completing the required TEB Statement of Understanding.

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) through (e).¹ Additionally, Petitioner signed a NAVPERS 1070/613, Administrative Remarks with the expectation to TEB but the Board determined that was not a requirement for enlisted personnel in accordance with reference (c). Furthermore, Petitioner’s record indicates she is currently undergoing Physical Evaluation Board processing and is approaching high year tenure, rendering her no longer eligible to TEB. Although Petitioner did not complete the appropriate administrative requirements, the Board concluded that had she received adequate counseling, she would have been able to transfer unused education benefits to eligible dependents upon reenlisting on 9 April 2010 and again on 15 April 2013. Moreover, the Board determined Petitioner has completed over 13 years of active duty service since the 9 April 2010 reenlistment, 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]/8 months, [REDACTED]/12 months, and [REDACTED]/12 months through the MilConnect TEB portal on 9 April 2010.

Commander, Navy Personnel Command (PERS-311) reviewed Petitioner’s TEB application and it was approved on 9 April 2010 with a 4-year service obligation.

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 were required to have sufficient time on contract to meet the additional service requirement prior to initiating their electronic transfer election. Pursuant to Department of Defense Instruction 1341.13, reference (d) promulgated indicating all Service members must agree to, and be eligible, to service an additional 4 years in the Armed Forces (Active Duty and/or Selected Reserve (SELRES)). Reference (e), updated the TEB process by establishing an online, self-service Statement of Understanding that replaced the NAVPERS 1070/613, Administrative Remarks (required for officers and SELRES) effective 1 October 2018 and required completion by all Sailors prior to submitting a TEB application.

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

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.

11/3/2023

