

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

d. On 26 March 2013, Petitioner submitted TEB application. The Service rejected the application on 27 March 2013 indicating, Petitioner “has not committed to the required additional service time.” Petitioner’s ESR contained TEB Page 13 with incorrect verbiage.

e. On 27 May 2013, Petitioner submitted TEB application. The Service rejected the application on 28 May 2013 indicating, Petitioner “has not committed to the required additional service time.” Petitioner’s ESR contained TEB Page 13 with incorrect verbiage.

f. On 1 July 2013, Petitioner signed “AGREEMENT TO OBLIGATE FOR TRANSFERABILITY OF POST 9-11, REAP, OR MGIB-SR EDUCATIONAL BENEFITS” Page 13, acknowledging his understanding the requirement to “complete four (4) more years in the Armed Forces (Active or Selected Reserve) from the date I request transferability of Post 9-11...” and it was uploaded to his ESR.

g. On 6 August 2013, Petitioner submitted TEB application. The Service approved the application with an obligation end date of 5 August 2017.

h. On 4 April 2016, Petitioner voluntarily declined orders to Command to maintain geographic stability for his family.

i. On 31 January 2017, Petitioner issued BUPERS Order: [REDACTED] (Official Retirement Orders) with an effective retirement date of 1 July 2017.

j. Petitioner transferred to the Retired List effective 1 July 2017.

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 transfer Post-9/11 GI Bill education benefits in accordance with reference (c),¹ however he voluntarily transferred to the Retired List before completing his TEB service obligation. Although Petitioner did not complete the proper administrative requirements, the Board concluded that he completed over 4 years of active duty service after signing the initial invalid Page 13 on 19 March 2013, thereby meeting the spirit and intent of reference (b). Therefore, the Board determined that under this circumstance, relief is warranted.

RECOMMENDATION

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

¹ In accordance with 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 for those eligible to retire on or after 1 August 2012. Additionally, all officers were required to have a NAVPERS 1070/613, Administrative Remarks (Page 13), prepared by their command in the Navy Standard Integrated Personnel System ESR, agreeing to serve the four additional years of service 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.

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Petitioner, in coordination with his command completed the required NAVPERS 1070/613, Administrative Remarks on 19 March 2013, and submitted to Commander, Navy Personnel Command for inclusion in the Petitioner's Official Military Personnel File.

Petitioner elected to transfer unused education benefits to [REDACTED], [REDACTED], and [REDACTED] through the MilConnect TEB portal on 19 March 2013.

Commander, Navy Personnel Command (PERS-314) reviewed Petitioner's TEB application and it was approved on 19 March 2013 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.

11/17/2023

