



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

█  
Docket No. 9369-23  
Ref: Signature Date

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Dear █,

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) majority found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 22 November 2023. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You requested to establish eligibility to transfer Post-9/11 GI Bill education benefits to your eligible dependents effective 4 March 2021 or alternatively to a date that aligns with an obligation end date in June 2026. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board majority concluded the ability to transfer Post-9/11 GI Bill education benefits to eligible dependents is a recruiting and retention tool that became effective 1 August 2009 in accordance with Title 38 U.S.C. § 3319. In accordance with Department of Defense Instruction 1341.13, the eligibility period of active duty for Post-9/11 GI Bill benefits does not begin until the service member has completed their statutory obligated active duty service. Bureau of Naval Personnel Notice (BUPERSNOTE) 1780 outlines eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. BUPERSNOTE 1780 specifies the Service academy statutory contract period is 5-years.

Additionally, BUPERSNOTE 1780 indicates the option to transfer a Service member's unused education benefits to an eligible dependent requires at least 6 years of qualifying active duty and/or Selected Reserve service and a 4-year additional service obligation at the time of election. Additionally, all officers were required to have a NAVPERS 1070/613, Administrative Remarks, prepared by their command in the Navy Standard Integrated Personnel System Electronic Service Record, agreeing to serve the required 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 transfer of education benefits (TEB) application required members to take corrective action and reapply with a new service obligation end date. On 24 September 2018, Navy Administrative message 236/18 updated the TEB process by establishing an online, self-service Statement of Understanding (SOU) that replaced the NAVPERS 1070/613, Administrative Remarks effective 1 October 2018.

A review of your record indicates you attended the U.S. Naval Academy (USNA) from 30 June 2004 to 22 May 2008. You accepted a regular commission and began active duty service on 23 May 2008, and resigned your commission on 30 August 2010 to attend a civilian school under the Armed Forces Health Professional Scholarship Program (AFHPSP). Upon resigning, you completed 2 years, 3 months, and 8 days of active duty service; which, left you with 2 years, 8 months, and 22 days of your active duty service obligation to complete after graduating the USNA. On 17 May 2014, you completed the AFHPSP, and accepted a regular commission on 18 May 2014; which, began your current period of active duty. You completed the 2 years, 8 months, and 22 days of remaining USNA active duty service obligation on 10 February 2017. You submitted TEB applications on 4 March 2021 and 4 January 2023. Although both applications were rejected by the service indicating you had "not committed to the required additional service time" the Board determined you had not obtained 6 years of qualifying active duty service towards the Post-9/11 GI Bill until 10 February 2023, thereby ineligible to TEB before said date. On 27 June 2023, you submitted your third TEB application, and the Service rejected that application because you failed to complete the TEB SOU. Subsequently, you completed the TEB SOU, reapplied and was approved to TEB with an Obligation End Date of 28 June 2027. Therefore, the Board determined that a change to your record is not warranted.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

11/30/2023

