



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

Docket No. 10216-23  
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] (RET)

Ref: (a) Title 10 U.S.C. § 1552  
(b) Title 38 U.S.C. Chapter 33  
(c) BUPERSNOTE 1780

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 eligible dependents effective 9 January 2012.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 20 December 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 was 20 March 2000.
- b. On 27 September 2007, Petitioner reenlisted for 6 years and subsequently extended for 3 months "to incur sufficient obligated service to execute BUPERS Order [REDACTED] dated 09NOV19."
- c. On 17 November 2010, Petitioner submitted transfer of education benefits (TEB) application with 3 years, 2 months and 15 days remaining on contract. The Service rejected the application indicating Petitioner "had not committed to the required additional service time."
- d. On 9 January 2012, Petitioner reenlisted for 6 years and thereafter extended for 20 months. On 13 May 2017, Petitioner reenlisted for 3 years and then extended for an aggregate of 3 months.
- e. On 31 July 2020, Petitioner transferred to the Fleet Reserve with 20 years, 4 months, and 11 days of total active duty service.

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## 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 reference (c).<sup>1</sup> Although Petitioner did not complete the appropriate administrative requirements, the Board concluded that had he received adequate counseling, he would have been able to transfer unused education benefits to eligible dependents upon reenlisting on 9 January 2012. Moreover, the Board determined Petitioner completed more than 8 years of active duty service following the 9 January 2012 reenlistments, thereby meeting the spirit and intent of reference (b). Therefore, the Board determined that 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, and [REDACTED]/34 months through the MilConnect TEB portal on 9 January 2012. Note: Petitioner allocated 1-month of education benefits to [REDACTED] prior to retirement.


Commander, Navy Personnel Command (PERS-314) reviewed Petitioner's TEB application, and it was approved on 9 January 2012 with a 4-year service obligation. Note: PERS-314 will ensure Petitioner's Benefits for Education Administrative Services Tool Family Member History is updated with the aforementioned approved allocation of education benefits.

That 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.

1/5/2024



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<sup>1</sup> 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. Furthermore, the policy directed that members periodically check the status of their application; a denied TEB application required members to take corrective action and reapply with a new service obligation date.