



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

■  
Docket No. 180-24  
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 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 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 [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 10 January 2024 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. On 12 July 2005, Petitioner entered active duty.
- b. On 17 April 2014, Petitioner reenlisted for 5 years and subsequently extended for 16 months.
- c. On 30 August 2017, Petitioner submitted initial transfer of education benefits (TEB) application with less than 4 years remaining on contract. The Service rejected the application on 31 August 2017 indicating Petitioner "has not committed to the required additional service time."
- d. On 13 July 2020, Petitioner reenlisted for 5 years.
- e. On 14 September 2020, Petitioner submitted second TEB application. The Service rejected the application on 15 September 2020 indicating Petitioner "has not committed to the required additional

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service time.” Petitioner’s record does not reflect completion of required TEB Statement of Understanding (SOU).

#### 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 to eligible dependents in accordance with reference (c). Petitioner had more than 4 years remaining on contract when he submitted his 14 September 2020 TEB application. However, Petitioner failed to complete the required TEB SOU in accordance with reference (d). The Board concluded that had Petitioner received adequate counseling, he would have completed the TEB SOU prior to submitting his second TEB application. The Board determined Petitioner continues to serve on active duty, thereby meeting the spirit and intent of reference (b). Therefore, the Board determined that under this circumstance, partial relief is warranted.

#### RECOMMENDATION

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

Petitioner, in coordination with his command completed the required TEB SOU on 14 September 2020 and submitted it to Commander, Navy Personnel Command for inclusion in the Petitioner’s naval record.

Petitioner elected to transfer unused education benefits to [REDACTED]/35 months, and [REDACTED]/1-month through the MilConnect TEB portal on 14 September 2020.

Commander, Navy Personnel Command (PERS-311) reviewed Petitioner’s TEB application, and it was approved on 14 September 2020 with a 4-year service obligation. Note: PERS-311 will ensure Petitioner’s Benefits for Education Administrative Services Tool Family Member History is updated with the 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.

1/20/2024

[REDACTED]

Deputy Director

Signed by: [REDACTED]