



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

■
Docket No. 521-24
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) MILPERSMAN 1780-011

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 dependent son.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 24 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 30 April 2007, Petitioner entered active duty.

b. Petitioner reenlisted on 28 October 2013 for 6 years and again on 23 October 2018 for 4 years. Subsequently, Petitioner extended for 7 months on 1 May 2021, followed by reenlistment on 28 April 2023 for 3 years.

c. On 24 August 2023, Petitioner completed the transfer of education benefits (TEB) Statement of Understanding and submitted TEB application with less than 4 years remaining on contract. The Service rejected the application on 25 August 2023 indicating, Petitioner "has not committed to the required additional service time."

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d. On 15 September 2023, Petitioner reenlisted for 4 years under the High Year Tenure Plus Pilot program with an estimated date of loss to the Navy (EDLN) on 29 April 2027.

e. Petitioner submitted TEB applications on 26 September 2023, 6 October 2023, and 25 October 2023. The Service rejected the three applications indicating, Petitioner “has not committed to the required additional service time” due to EDLN of 29 April 2027.

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). 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 28 October 2013 and 23 October 2018. Moreover, the Board determined Petitioner has completed over 10 years of active duty service since the 28 October 2013 reenlistment, thereby meeting the spirit and intent of reference (b). Therefore, the Board determined 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]/36 months through the MilConnect TEB portal on 28 October 2013.

Commander, Navy Personnel Command (PERS-314) reviewed Petitioner’s TEB application, and it was approved on 28 October 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.

2/9/2024

[REDACTED]

Deputy Director

Signed by: [REDACTED]