



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

[REDACTED]  
Docket No: 381-17

MAR 13 2018

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED] USNR RET,  
[REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments  
(2) NAVADMIN 187/09 of 26 Jun 09  
(3) NAVADMIN 203/09 of 11 Jul 09  
(4) CNRFC ltr 5420 Ser N1/0856 dtd 10 Aug 17

1. Pursuant to the provisions of reference (a) Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to establish eligibility to transfer Post 9/11 GI Bill benefits to his dependents.
2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 1 February 2018 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 your application, together with all material submitted in support thereof, relevant portions of your 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, finds as follows:
  - a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.
  - b. The Post-9/11 Veterans Education Assistance Act (Post 9/11 GI Bill, Public Law 110-252) was signed into law on 30 June 2008 and became effective on 1 August 2009. The bill provides financial support for education and housing for service members with at least 90 days of service on or after 11 September 2001. The act also includes a provision for qualifying service members to transfer educational benefits to dependents.
  - c. The Navy's guidance implementing the Post-9/11 GI Bill was published by NAVADMIN 187/09, released on 26 June 2009, and NAVADMIN 203/09, released 11 July 2009. Under the guidance, "active duty sailors that separate, retire, transfer to the Fleet Reserve or who are discharged prior to 1 August 2009 are not eligible to elect transferability." See enclosures (2) and (3).

[REDACTED]

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d. From January 2009 to November 2009, Petitioner was deployed to [REDACTED]. Petitioner claims that he signed a Page 13 acknowledging his additional obligated service associated with the transfer of education benefits (TEB) request. Petitioner was retirement eligible on 30 July 2010, so he would have incurred one additional year of service from the date of his approved TEB request. Petitioner also claims that he completed a form that served as his TEB request, as internet connectivity was unavailable, and submitted it for routing to his personnel department. Neither the Page 13 nor the TEB request was uploaded in Petitioner's electronic service record (ESR) or documented in the MilConnect system. Petitioner transferred to the retired reserve on 1 May 2013. See enclosures (1) and (4).

e. In correspondence attached as enclosure (4), Commander, Navy Reserve Forces Command (CNRFC) has recommended the request be denied. NAVADMIN 187/09, and NAVADMIN 203/09 provided policies and procedures for Navy members to transfer their Post-9/11 GI Bill entitlement to eligible family members. Petitioner was not in full compliance with Department of Defense Instruction (DODI) 1341.13 or the NAVADMINs because he failed to comply with program requirements. Specifically, Petitioner did not upload to his ESR a signed Page 13 committing to additional service obligation, nor did he submit his electronic TEB request in the MilConnect system. As such, Petitioner failed to complete the required service commitment to transfer his benefits.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. The Board carefully weighed the observations made in enclosure (4) regarding Petitioner's responsibility under the Post 9/11 GI Bill program. The Board found that had the Petitioner been given clear counselling from his command about the requirement to upload a Page 13 in his ESR and make an electronic TEB request in the MilConnect system, the Petitioner would have done so. The Board felt that it would be an injustice to deny the TEB request due to the lack of internet connectivity during deployment at the time the Petitioner attempted to make a TEB request. Further, the Board felt that the Petitioner demonstrated a good faith attempt to comply with program requirements. Although the proper administrative requirements were not completed by the Petitioner, the Board felt that under these circumstances a measure of relief is warranted.

## RECOMMENDATION

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

Petitioner elected to transfer unused educational benefits through the MilConnect Transfer of Educational Benefits (TEB) web application on 17 May 2010.

NPC reviewed the Petitioner's TEB application, and it was approved on 17 May 2010.

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[REDACTED]

Upon completion of the above changes, COMNAVPERSCOM (PERS 314) will execute an approved Transferability of Educational Benefits (TEB) application reflecting the transfer information.

A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that 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.

[REDACTED]  
Recorder

5. The foregoing action of the Board is submitted for your review and action.

[REDACTED]  
Executive Director

Reviewed and approved/disapproved:  
[REDACTED]

3/27/2018