



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

■
Docket No. 8181-23
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) BUPERSNOTE 1780¹

Encl: (1) DD Form 149
(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 children.

2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 13 March 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. Petitioner's Pay Entry Base Date was 27 January 1994.

b. Petitioner has two children: [REDACTED] born on [REDACTED] and [REDACTED] born on [REDACTED].

c. On 15 April 2010, Petitioner submitted TEB application and requested to allocate 28 months of education benefits to his oldest child. The Service approved the application with an obligation end date of 15 April 2014.

d. Petitioner transferred to the Retired Reserve without pay effective 1 January 2019.

¹ Reference (b), an individual may not add dependents after retirement or separation from the Armed Forces but may modify or revoke transferred entitlement for existing designated dependents.

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

e. On 27 January 2023, Petitioner changed [REDACTED] months of education benefits from 28-months to 14-months.

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 was approved to transfer Post-9/11 GI Bill education benefits and completed the obligation, however he failed to allocate benefits to each child prior to retiring. Although Petitioner did not complete the proper administrative requirements, the Board found that had he received clear counseling from his command regarding the inability to redistribute the education benefits upon retiring, he would have taken the appropriate action prior to retirement. Therefore, that Board determined that under this circumstance, relief is warranted.

RECOMMENDATION

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

Petitioner elected to change allocation of unused education benefits to [REDACTED]/14 months, and [REDACTED]/22 months through the MilConnect TEB portal prior to transferring to the Retired Reserve effective 1 January 2019.

Note: Commander, Navy Reserve Forces Command (N1) will ensure Petitioner's Benefits for Education Administrative Services Tool Family Member History is updated with the aforementioned approved allocation of education benefits.

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.

3/29/2024

