



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

█
Docket No. 1411-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █ USN RET,
█

Ref: (a) Title 10 U.S.C. § 1552
(b) BUPERSNOTE 1780
(c) NAVADMIN 170/18
(d) NAVADMIN 020/19

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 dependents.

2. The Board, consisting of █, and █ reviewed Petitioner's allegations of error and injustice on 10 April 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 14 January 1999, Petitioner enlisted into the U.S. Air Force Air National Guard.

b. On 12 November 1999, Petitioner married █ and they had four children: █
█ born on █ on █ born
on █, and █ born on █.

c. On 28 December 2009, Petitioner discharged from U.S. Air Force Air National Guard, accepted a regular commission in the U.S. Navy on 29 December 2009 and entered active duty on 30 January 2010.

Subj: REVIEW OF NAVAL [REDACTED]
[REDACTED]

d. On 6 August 2018, Petitioner submitted transfer education benefits (TEB) application and requested 35-months of education benefits be transferred to his daughter [REDACTED]. The Service rejected the application indicating, Petitioner “has not committed to the required additional service time.” The required NAVPERS 1070/613, Administrative Remarks was not uploaded to Petitioner’s Electronic Service Record in accordance with reference (c).

e. On 12 September 2019, Petitioner issued BUPERS Order: 2559 (Official Retirement Orders) indicating he would transfer to the Temporary Disability Retired List (TDRL) on 28 November 2019.

f. Petitioner transferred to the TDRL effective 28 November 2019.

g. On 27 September 2022, the Physical Evaluation Board requested Chief of Naval Personnel transfer Petitioner to the Permanent Disability Retired List.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. The Board concluded 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 (b). Due to reference (c) cancelling the 10-year exception, Petitioner would not have been able to resubmit his TEB application until the release of reference (d). Although Petitioner did not complete the appropriate administrative requirements, the Board determined had Petitioner received adequate counseling on the TEB process and the effects of his medical conditions on the application process, he would have followed the correct procedures to garner approval. 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, in coordination with his command completed the required NAVPERS 1070/613, Administrative Remarks on 27 November 2015 and submitted it to Commander, Navy Personnel Command for inclusion in the Petitioner’s Official Military Personnel File.

Petitioner elected to transfer unused education benefits to [REDACTED] through the MilConnect TEB portal on 27 November 2015.

Commander, Navy Personnel Command (PERS-311) reviewed Petitioner’s TEB application and it was approved on 27 November 2015 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.

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[REDACTED]

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.

4/26/2024

