



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

█
Docket No. 1449-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █, USN,
XXX-XX-█/█RET

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S.C. Chapter 33
(c) BUPERSNOTE 1780

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 dependents effective 25 February 2014.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 27 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. On 5 June 1997, Petitioner entered active duty.

b. On 22 June 2002, Petitioner married █ and had three children: █
█ born on █; █ born on █; and █
█ born on █.

c. On 25 February 2014, "4 Year Service Obligation for Transfer of Post 9-11 GI Bill Benefits" NAVPERS 1070/613, Administrative Remarks was uploaded to Petitioner's Electronic Service Record and verified the same date.

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d. On 16 June 2016, Petitioner submitted Transfer of Education Benefits (TEB) application. The Service approved the TEB application with an obligation end date of 15 June 2020.

e. Petitioner transferred to the Retired List effective 1 July 2019.

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; however, he voluntarily transferred to the Retired List before completing his TEB service obligation. Although Petitioner did not complete the proper administrative requirements, the Board concluded that he initiated the process to TEB on 25 February 2014 upon signing the required NAVPERS 1070/613, Administrative Remarks and thereafter served on active duty over 5 years before retiring, thereby meeting the spirit and intent of reference (b). Therefore, the 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 transfer unused education benefits to [REDACTED]/1-month, [REDACTED]/1-month, [REDACTED]/1-month, and [REDACTED]/1-month through the MilConnect TEB portal on 25 February 2014.

Commander, Navy Personnel Command (PERS-314) reviewed Petitioner's TEB application and it was approved on 25 February 2014 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.

4/15/2024

