



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

■
Docket No. 1835-24
Ref: Signature Date

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

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

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 7 October 2013.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 3 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. Petitioner's Active Duty Service Date is 24 May 2000.

b. On 6 October 2001, Petitioner married [REDACTED] and they had two children: [REDACTED]
[REDACTED].

c. On 4 October 2013, Petitioner submitted transfer of education benefits (TEB) application. 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 (ESR) in accordance with reference (c).

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

d. On 7 October 2013, "Transfer of Post 9/11 GI Bill Benefits to Dependents" NAVPERS 1070/613, Administrative Remarks was uploaded to Petitioner's ESR and verified on 9 October 2013. However, there is no record of Petitioner reapplying to TEB as outlined in reference (c).

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 determined he continues to serve on active duty and has completed over 10 years of service since submitting his TEB application on 4 October 2013 and signing the required NAVPERS 1070/613, Administrative Remarks on 7 October 2013, 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]/17 months, and [REDACTED]/18 months through the MilConnect TEB portal on 7 October 2013.

Commander, Navy Personnel Command (PERS-311) reviewed Petitioner's TEB application, and it was approved on 7 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.

4/19/2024

[REDACTED]