



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

■
Docket No. 1843-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) BUPERSNOTE 1780
(c) NAVADMIN 236/18
(d) MILPERSMAN 1780-011

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 20 February 2024.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 22 May 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. The Post-9/11 Veterans Educational 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 provision for qualifying service members to transfer education benefits to their eligible dependents. General descriptions of the essential components of the law were widely available beginning in summer 2008 but specific implementing guidance was not published until summer 2009.

b. In accordance with reference (b), the option to transfer a Service member's unused education benefits to an eligible dependent required a 4-year additional service obligation at the

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XXX-XX-[REDACTED]

time of election. Additionally, all officers were required to have a NAVPERS 1070/613, Administrative Remarks, prepared by their command in the Navy Standard Integrated Personnel System Electronic Service Record, agreeing to serve the required additional years of service prior to initiating their electronic transfer election. Furthermore, the policy directed members to periodically check the status of their application; a denied transfer of education benefits (TEB) application required members to take corrective action and reapply with a new service obligation end date.

c. Reference (c), updated the TEB process by establishing an online, self-service Statement of Understanding that replaced the NAVPERS 1070/613, Administrative Remarks effective 1 October 2018.

d. Reference (d) further updated the administrative requirements to TEB. Included in the requirements, officers must ensure that they are able to obligate an additional four years of service at their current paygrade prior to requesting TEB.

e. Petitioner's Active Duty Service Date is 8 September 2007.

f. On 25 January 2008, Petitioner accepted active duty commission.

g. On 23 January 2011, Petitioner married [REDACTED] and had three children: [REDACTED] born on 4 January 2012; [REDACTED] born on 19 December 2015; and [REDACTED] was born on 2 July 2018.

h. On 3 June 2020, Petitioner's daughter, [REDACTED] born on 19 December 2007 became a dependent.

i. On 7 August 2023, Petitioner's son was born; however, the Defense Enrollment Eligibility Reporting System does not reflect his name.

j. On 20 May 2022, Petitioner submitted TEB application. The Service rejected the application on 23 May 2022 indicating Petitioner "has not committed to the required additional service time." There is no evidence that Petitioner completed the required TEB Statement of Understanding prior to submitting his TEB application.

k. On 20 February 2024, Petitioner completed the TEB Statement of Understanding and resubmitted TEB application. The Service rejected the application indicating Petitioner "has not committed to the required additional service time." Petitioner is unable to complete four additional years of service in current paygrade.

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

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XXX-XX-[REDACTED]

administrative requirements, the Board concluded that had he received adequate counseling, he would have completed the TEB Statement of Understanding prior to submitting his initial TEB application. Therefore, the Board determined that under this circumstance, partial 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 TEB Statement of Understanding on 20 May 2022 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]/1-month, [REDACTED]/1-month, [REDACTED]/1-month, [REDACTED]/1-month, and [REDACTED]/1-month through the MilConnect TEB portal on 20 May 2022.

Commander, Navy Personnel Command (PERS-311) reviewed Petitioner's TEB application and it was approved on 20 May 2022 with a 4-year service obligation.

The part of Petitioner's request for corrective action that exceeds the foregoing is denied because Petitioner is not retainable for four additional years from 20 February 2024.

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.

6/6/2024

