

DEPARTMENT OF THE NAVY

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

> Docket No. 2134-24 Ref: Signature Date

From: To:	Chairman, Board for Correction of Naval Records Secretary of the Navy
Subj:	REVIEW OF NAVAL RECORD ICO ., USN 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 27 August 2010.	
allegat correct materia	Board, consisting of and and reviewed Petitioner's ions of error and injustice on 3 April 2024 and pursuant to its regulations, determined that the ive action indicated below should be taken on the available evidence of record. Documentary all considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval 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. I	Petitioner's Active Duty Service Date was 6 June 1994.
	On 4 August 2001, Petitioner married and they had three children: born on born
c. (On 27 August 2010, 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).
- d. On 24 October 2017, Petitioner submitted second 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 ESR in accordance with reference (c).

e. Petitioner transferred to the Retired List effective 1 January 2018 with 23 years, 6 months, and 25 days of active duty service.

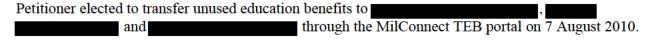
CONCLUSION

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 completed over 7 years of active duty service after submitting his TEB application on 27 August 2010, 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, in coordination with his command completed the required Statement of Understanding on 27 August 2010 and submitted it to Commander, Navy Personnel Command for inclusion in the Petitioner's Official Military Personnel File.



Commander, Navy Personnel Command (PERS-311) reviewed Petitioner's TEB application, and it was approved on 27 August 2010 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.

