



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

■  
Docket No. 2555-24  
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) BUPERSNOTE 1780  
(c) NAVADMIN 236/18

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 19 May 2020.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 17 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. 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. Petitioner's Active Duty Service Date is 17 May 2013.

c. On 5 October 2019, Petitioner married [REDACTED].

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[REDACTED]

d. On 19 May 2020, Petitioner submitted transfer of education benefits (TEB) application and requested to transfer 35 months of education benefits to spouse. The Service rejected the application indicating Petitioner “has not committed to the required additional service time.” The required Statement of Understanding (SOU) was not completed in accordance with reference (c).

e. Petitioner has two children: [REDACTED] born on 8 June 2021 and [REDACTED] born on 2 July 2023.

f. On 17 October 2023, Petitioner submitted voluntary resignation.

g. On 26 January 2024, Petitioner issued BUPERS Order: 0264 (Official Separation Orders) with a separation date of 31 August 2024.

h. On 1 March 2024, Petitioner submitted TEB application, removed allocated benefits to spouse and requested to transfer 1-month of education benefits to each child. The Service rejected the application indicating Petitioner “has not committed to the required additional service time.” The required SOU was not completed in accordance with 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 references (b)<sup>1</sup> and (c).<sup>2</sup> Although the proper administrative requirements were not completed, the Board found Petitioner provided sufficient evidence reflecting intent to transfer education benefits and will complete over 4 years of active duty service from submitting his initial TEB application at the time of separation, 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 SOU on 19 May 2020 and submitted it to Commander, Navy Personnel Command (NPC) for inclusion in the Petitioner’s Official Military Personnel File.

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<sup>1</sup> Reference (b), the option to transfer a Service member’s unused education benefits to an eligible dependent requires a 4-year additional service obligation at the 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 TEB application requires members to take corrective action and reapply with a new service obligation end date.

<sup>2</sup> Reference (c) updated the TEB process by establishing an online, self-service SOU that replaced the NAVPERS 1070/613, Administrative Remarks effective 1 October 2018.

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[REDACTED]

Petitioner elected to transfer unused education benefits to [REDACTED] 35 months through the MilConnect TEB portal on 19 May 2020. Note: Petitioner reallocated education benefits to [REDACTED] 1 month and [REDACTED] month on 29 February 2024.

Commander, NPC (PERS-311) reviewed Petitioner's TEB application and it was approved on 19 May 2020 with a 4-year service obligation. Note: PERS-311 will ensure Petitioner's Benefits for Education Administrative Services Tool Family Member History is updated with the aforementioned approved allocation.

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.

5/8/2024

[REDACTED]