



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

■  
Docket No. 3001-24  
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

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 her naval record be corrected to reallocated education benefits from her dependent son to her dependent daughter effective 25 April 2014.

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, she 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. On 18 September 2001, Petitioner entered active duty.

c. On 5 July 2005, Petitioner married [REDACTED] and they have two children: [REDACTED] born on 8 September 2005 and [REDACTED] born on 5 June 2009.

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[REDACTED]

d. On 6 February 2013, Petitioner reenlisted for 6 years.

e. On 24 April 2014, Petitioner submitted Transfer of Education Benefits (TEB) application and requested to transfer unused education benefits to [REDACTED]/1-month and [REDACTED]/1-month. The Service approved the application with an obligation end date of 24 April 2018.

f. Petitioner transferred to the Permanent Disability Retired List (PDRL) effective 28 April 2014.

## 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 failed to allocate benefits to her dependent daughter prior to transferring to the PDRL. Additionally, a review of Petitioner's spouse's Benefits for Education Administrative Service Tool (BEAST) history indicates his TEB application was rejected for not committing to the required additional service time. The Board also determined Petitioner's obligation end date was not adjusted to align with her transfer to the PDRL. Although the proper administrative requirements were not completed, the Board found that had Petitioner received clear counseling from her command regarding the inability to redistribute the education benefits upon transferring to the PDRL, she would have taken appropriate action. Therefore, the Board determined under this circumstance, partial 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]/35 months and [REDACTED]/1-month through the MilConnect TEB portal on 24 April 2014.

Commander, Navy Personnel Command (PERS-311) reviewed Petitioner's TEB application and it was approved on 24 April 2024 with an obligation end date of 27 April 2014, commensurate with her approved transfer to the PDRL. Note: PERS-311 will ensure Petitioner's BEAST Family History is updated with the aforementioned approved allocation of education benefits.

The part of Petitioner's request for corrective action that exceeds the foregoing is denied. The Board determined Petitioner's son did not receive education benefits from the spouse, therefore allocated 1-month of education benefit to the son. This will allow Petitioner to modify the transferred benefits in accordance with reference (b)<sup>1</sup> if needed.

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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 for those eligible to retire on or after 1 August 2012. However, there was a provision in the policy that indicated if a member were prohibited from completing their service obligation as a result of Navy or Department of Defense policy, or federal statute, the obligation would be adjusted to the maximum amount of time allowed by the policy or statute. Additionally, the policy specified an individual may not add dependents after retirement or separation from the Armed Forces but may modify or revoke transferred entitlement for existing designated dependents.

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[REDACTED]

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.

5/4/2024

