

Subj: REVIEW OF NAVAL RECORD [REDACTED], USN [REDACTED]
[REDACTED]

- c. On 2 July 2004, Petitioner married [REDACTED] and they had one child: [REDACTED] born on [REDACTED]
- d. On 14 August 2007, Petitioner reenlisted for 3 years and thereafter extended for 2 months.
- e. On 23 May 2010, Petitioner submitted transfer of education benefits (TEB) application with less than 4 years remaining on contract and requested to transfer 12 months of benefits to his spouse. The Service rejected the application indicating Petitioner “has not committed to the required additional service time.”
- f. On 12 October 2010, Petitioner extended for 6 months, reenlisted on 18 February 2011 for 5 years and subsequently extended for 1-month.
- g. Petitioner transferred to the Fleet Reserve effective 1 March 2016.

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 (c).¹ Although Petitioner did not complete the appropriate administrative requirements, the Board concluded that had he received adequate counseling, he would have been able to transfer unused education benefits to eligible dependents upon reenlisting on 18 February 2011. Moreover, the Board determined Petitioner completed over 5-year of active duty after reenlisting on 18 February 2011, thereby meeting the spirit and intent of reference (b). 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 elected to transfer unused education benefits to [REDACTED]/36 months through the MilConnect TEB portal on 18 February 2011.

Commander, Navy Personnel Command (PERS-314) reviewed Petitioner’s TEB application and it was approved on 18 February 2011 with a 4-year service obligation.

The part of Petitioner’s request for corrective action that exceeds the foregoing is denied because Petitioner did not have sufficient obligated service to garner TEB approval on 23 May 2010.

¹ Reference (c), 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, enlisted personnel are required to have sufficient time on contract to meet the additional service requirement 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.

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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

