



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

■  
Docket No. 3936-24  
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) Title 38 U.S.C. Chapter 33  
(c) BUPERSNOTE 1780  
(d) NAVADMIN 236/18  
(e) 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 in order to establish eligibility to transfer their unused Post-9/11 GI Bill education benefits to their eligible family members.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 10 July 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 (c), the option to transfer a Service member's unused education benefits to an eligible dependent required a 4-year additional service obligation at the time of election. Enlisted personnel were 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 transfer of education benefits (TEB) application required members to take corrective action and reapply with a new service obligation end date.

c. Reference (d) updated the TEB process by establishing an online, self-service Statement of Understanding (SOU) that was to be completed by all Sailors prior to submitting a TEB application effective 1 October 2018.

d. Reference (e) further updated the administrative requirements to TEB. The policy reiterated that enlisted personnel are required to complete the online, self-service TEB SOU and have sufficient time on contract to meet the additional service requirement prior to initiating their electronic transfer election, but no more than 30 calendar days following execution of a 4-year reenlistment.

e. On 4 February 2003, Petitioner entered active duty.

f. On 14 June 2007, Petitioner married [REDACTED], and had one child: [REDACTED] born on 11 November 2011.

g. On 26 April 2019, Petitioner reenlisted for 5 years; end of active obligated service (EAOS): 25 April 2024.

h. On 18 November 2019, Petitioner completed the TEB SOU.

i. Petitioner submitted TEB applications on 19 February 2024 and 12 April 2024 with less than 4 years remaining on contract. The Service rejected both applications indicating, "Disapproved – SM [Service Member] has not committed to the required additional service time."

j. On 26 April 2024, a 9-month extension was submitted to Petitioner's electronic service record; EAOS: 25 January 2025.

## 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) and (e). 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 when he completed the TEB SOU on 18 November 2019. Moreover, the Board determined Petitioner has completed over 4 years of active duty service since submitting the TEB SOU,

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thereby meeting the spirit and intent of reference (b). Therefore, the Board determined under these circumstances, 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]/1-month and [REDACTED]/35 months through the MilConnect TEB portal on 18 November 2019.

Commander, Navy Personnel Command (PERS-314) reviewed Petitioner's TEB application and it was approved on 18 November 2019 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.

7/30/2024

[REDACTED]