



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

Docket No. 3979-24
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) OPNAVINST 1780.4
(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 that his naval record be corrected to establish eligibility to transfer Post-9/11 GI Bill education benefits to eligible dependent children effective 10 April 2024.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 15 May 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.

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b. In accordance with 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. 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 (ESR), agreeing to serve the required additional years of service prior to initiating their electronic transfer election. Additionally, the policy directed members to submit transfer of education benefits (TEB) applications into the MilConnect TEB portal and 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.

c. Reference (d), updated the TEB process by establishing an online, self-service Statement of Understanding that replaced the NAVPERS 1070/613, Administrative Remarks effective 1 October 2018.

d. Reference (e) redefined the responsibilities, eligibility, requirements, and procedures for TEB. Specifically, the option to transfer unused education benefits requires Sailors to be eligible per all statutes, Department of Defense, and Service policies, to be retained four additional continuous years in service and an agreement to serve at least four additional years of service at the time of election.

e. Petitioner's Active Duty Service Date is 19 May 1996.

f. On 11 May 2005, Petitioner married [REDACTED] and they had three children:
[REDACTED] born on [REDACTED]; [REDACTED] born on [REDACTED] and
[REDACTED] born on [REDACTED].

g. On 5 August 2015, Petitioner signed "Post 9/11 GI Bill Eligibility (Officers)" NAVPERS 1070/613, Administrative Remarks and a copy was uploaded to his ESR. On 6 August 2015, [REDACTED] indicated the NAVPERS 1070/613, Administrative Remarks was received and Petitioner was good to go with regard to transferring education benefits to his children.

h. On 1 September 2018, Petitioner promoted to Captain/O-6.

i. On 10 April 2024, Petitioner submitted TEB application and requested to transfer education benefits to [REDACTED]/36 months. The Service rejected the application indicating, Petitioner "has not committed the required additional service time." There is no record of Petitioner completing the required Statement of Understanding and he is not retainable.

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) through (e). Although Petitioner did not complete the appropriate administrative requirements, the Board determined he continues to serve on active

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duty and has completed over 8 years of service since the required NAVPERS 1070/613, Administrative Remarks was uploaded to his ESR, thereby meeting the spirit and intent of reference (b). Therefore, the Board determined that under these circumstances, 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]/34 months, [REDACTED]/1-month, and [REDACTED] 1-month through the MilConnect TEB portal on 5 August 2015.

Commander, Navy Personnel Command (PERS-314) reviewed Petitioner's TEB application and it was approved on 5 August 2015 with a 4-year service obligation.

The part of Petitioner's request for corrective action that exceeds the foregoing is denied because on 10 April 2024 Petitioner was not retainable in service for an additional 4 years.

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.

