



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

■
Docket No. 4635-24
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) MILPERSMAN 1780-011
(c) MILPERSMAN 1160-120
(d) MILPERSMAN 1160-040

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 dependents by authorizing a 12-month extension.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 1 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.

b. In accordance with reference (b) the option to transfer unused education benefits requires Sailors to be eligible per all statutes, Department of Defense, and Service policies, to be retained

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED] USN,
XXX-XX-[REDACTED]

four additional continuous years in service and an agreement to serve at least four additional years of service at the time of election. Enlisted personnel are required to complete the online, self-service transfer of education benefits (TEB) Statement of Understanding (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. Additionally, 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.

c. Reference (c) specifies the High Year Tenure (HYT) gate for E-9 is 30 years length in service calculated from the active duty service date.

d. On 26 August 1998, Petitioner entered active duty.

e. On 28 June 2006, Petitioner married [REDACTED] and had one child: [REDACTED] born on 6 November 2006.

f. On 25 April 2008, Petitioner reenlisted for 6 years.

g. Petitioner had two additional children: [REDACTED] born on 27 May 2008, and [REDACTED] born on 12 May 2010.

h. Petitioner reenlisted on 25 May 2012 for 6 years, on 10 April 2017 for 2 years, on 14 August 2018 for 2 years (extended for 18 months), and on 22 November 2021 for 3 years.

i. On 11 August 2022, Petitioner submitted TEB application with less than 4 years remaining on contract. The Service rejected the application indicating, Petitioner “has not committed to the required additional service time.”

j. On 16 June 2023, Petitioner advanced to Information Systems Technician Master Chief/E-9.

k. On 5 April 2024, Petitioner reenlisted for 3 years.

l. On 19 April 2024, Petitioner submitted TEB application with less than 4 years remaining on contract. The Service rejected the application indicating, Petitioner “has not committed to the required additional service time.”

m. Petitioner will reach HYT for E-9 in August 2028.

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 reference (b). Although Petitioner did not complete the appropriate

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
XXX-XX-[REDACTED]

administrative requirements, the Board concluded that had he received adequate counseling, he would have been able to reenlist for 4 years to meet the TEB requirements. Therefore, the Board determined that under this circumstance, partial relief if warranted.

RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner reenlisted on 5 April 2024 for a term of 4 years vice 3 years.

Petitioner, in coordination with his command completed the required TEB SOU on 19 April 2024 and submitted it to Commander, Navy Personnel Command for inclusion in the Petitioner's Official Military Personnel File.

Petitioner elected to transfer unused education benefits to [REDACTED]/1-month, [REDACTED]/1-month, [REDACTED]/1-month, and [REDACTED]/1-month through the MilConnect TEB portal on 19 April 2024.

Commander, Navy Personnel Command (PERS-311) reviewed Petitioner's TEB application and it was approved on 19 April 2024 with a 4-year service obligation.

The part of Petitioner's request for corrective action that exceeds the foregoing is denied because TEB a conditional reason listed to execute an extension per reference (d).

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.

5/21/2024

