



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

■
Docket No. 5607-24
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

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

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S.C. Chp 33
(c) DODI 1341.13
(d) MILPERSMAN 1160-120
(e) NAVADMIN 050/20

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 to amend DD Form 214, Certificate of Release or Discharge from Active Duty to reflect Separation Code "LBD" to authorized transfer of education benefits (TEB).

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

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

b. In accordance with reference (c) Service members discharged or release from active duty or Selected Reserve, with an honorable discharge, due to reduction in force or force shaping initiative resulting from a decision by the Secretary of a Military Department will be considered to have completed previously approved TEB-related service agreement.

c. Reference (d) specified the high year tenure for Sailors in paygrade E-8 is 26 years length of service. Reference (e) stipulated active component and Full Time Support personnel not selected for continuation must transfer to the Fleet Reserve or retire as applicable, effective no later than 31 August 2020, unless operationally waived by the Deputy Chief of Naval Personnel to remain in an active status not later than 30 November 2020.

d. On 23 June 1998, Petitioner entered active duty.

e. Petitioner has two children: [REDACTED] born on [REDACTED] and [REDACTED] born on [REDACTED].

f. On 30 January 2019, Petitioner reenlisted for 4 years.

g. On 1 July 2019, Petitioner submitted TEB application. The Service approved the application with an obligation end date of 30 June 2023.

h. On 31 August 2020, Petitioner transferred to the Fleet Reserve with 22 years, 2 months, and 8 days of total active service. Initial DD Form 214 reflects honorable Character of Service; "NBD" Separation Code; "RE-2" Reentry Code; and the Narrative Reason for Separation "Sufficient Service for Retirement."

i. On 23 October 2020, the Service changed Petitioner's approved TEB application to "Disapproved – SM [Service Member] has not committed to the required additional service time."

j. On 28 October 2020, the Service issued Petitioner a second DD Form 214 to reflect "LBD" Separation Code.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting the following corrective action. Petitioner retired from active duty prior to reaching his TEB obligation end date as a result of not being selected for continuation by the Senior Enlisted Continuation Board. However, Petitioner's TEB approval was rescinded by the Service because his initial DD Form 214 did not reflect the proper Separation Code. Subsequently, the Service issued Petitioner a corrected DD Form 214 with Separation Code "LBD" rendering him eligible for an adjusted TEB obligation end date that aligned with his mandatory retirement. Therefore, the Board determined that under these circumstances, partial relief is warranted.

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

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]/1-month through the MilConnect TEB portal on 30 January 2019.

Commander, Navy Personnel Command (PERS-314) reviewed Petitioner's TEB application and it was approved on 30 January 2019 with a 4-year service obligation. Note: PERS-314 is directed to ensure Petitioner's obligation end date is adjusted to align with his involuntary transfer to the Fleet Reserve effective 1 September 2020 and that Petitioner's Benefits for Education Administrative Services Tool Family Member 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. Board action was not required to modify Petitioner's DD Form 214 as the Service completed the change.

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 titled 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.

10/18/2024

[REDACTED]