



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

■
Docket No. 5978-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S.C. Chp 33
(c) BUPERSNOTE 1780
(d) NAVADMIN 236/18

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 retroactively approve transfer of Post-9/11 GI Bill education benefits to his eligible dependents effective 31 August 2021.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 7 August 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. Petitioner attended the U.S. Naval Academy (USNA) from 30 June 2011 to 21 May 2015.
- b. On 22 May 2015, Petitioner accepted a regular commission entered active duty.
- c. On 3 May 2018, Petitioner married [REDACTED] and had one child: [REDACTED] born on 22 November 2019.
- d. On 22 May 2020, Petitioner completed USNA service obligation.
- e. On 21 May 2021, Petitioner completed 6 years of active duty service.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
[REDACTED]

f. On 30 August 2021, Petitioner submitted transfer of education benefits (TEB) application and requested to transfer education benefits to [REDACTED]/35 months. The Service rejected the application indicating, “Disapproved – SM [Service Member] has not committed to the required additional service time.”

g. On 31 August 2021, Petitioner’s child, [REDACTED] was born.

h. On 22 May 2023, Petitioner completed 36 months of qualifying active duty service for Post-9/11 GI Bill eligibility.

i. On 24 September 2023, Petitioner’s child, [REDACTED] was born.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. The Board concluded Petitioner’s TEB application did not meet the criteria for approval in accordance with references (c)¹ and (d).² However, the Board determined Petitioner did not receive adequate counseling regarding how his USNA service obligation affected his Post-9/11 GI Bill eligibility or the requirement to complete the Statement of Understanding prior to submitting his TEB application. 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, in coordination with her command completed the required Statement of Understanding on 22 May 2023 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]/35 months through the MilConnect TEB portal on 22 May 2023.

¹ Specifies the option to transfer unused education benefits to an eligible dependent requires the Service member to have served 6 years in the Armed Forces (active and/or Selected Reserve) and agree to serve four additional years of service from the date of election. However, Service academy statutory contract period (5 years) is excluded for purposes of accruing service for Post-9/11 GI Bill eligibility. Additionally, all officers had to have a NAVPERS 1070/613, Administrative Remarks, prepared by their command in the Navy Standard Integrated Personnel System Electronic Service Record, agreeing to serve the required additional years of service 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.

² 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.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
[REDACTED]

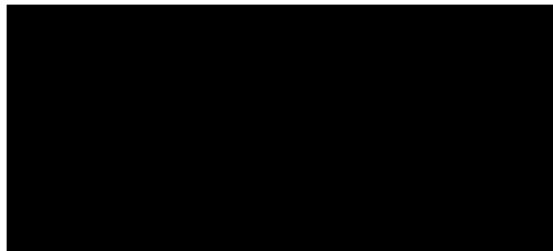
Commander, Navy Personnel Command (PERS-314) reviewed Petitioner's TEB application and it was approved on 22 May 2023 with a 4-year service obligation.

The part of Petitioner's request for corrective action that exceeds the foregoing is denied in accordance with reference (b).³

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.



³ A covered individual is an individual who, commencing on or after 11 September 2001, served an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training) and continues on active duty.