



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

■
Docket No. 6117-24
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) BUPERSNOTE 1780

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 redistribute unused Post-9/11 GI Bill education benefits to his fourth child prior to retirement.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 24 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. On 20 January 1988, Petitioner entered active duty.
- b. On [REDACTED], Petitioner's first child [REDACTED] was born.
- c. On 3 May 1997, Petitioner married [REDACTED].
- d. On 1 April 2001, Petitioner accepted an active duty commission.
- e. Petitioner had five additional children: [REDACTED] born on [REDACTED]; [REDACTED] born on [REDACTED]; [REDACTED] born on [REDACTED]; [REDACTED] born on [REDACTED]; and [REDACTED] born on [REDACTED].
- f. On 7 October 2009, Petitioner submitted TEB application and requested to transfer unused education benefits to [REDACTED]/12 months, [REDACTED]/12 months, and [REDACTED]/12

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[REDACTED]

months. The Service approved the application with an obligation end date of 1 August 2009.

g. Petitioner transferred to the Retired List effective 1 June 2011.

h. On 12 December 2020, Petitioner elected to reallocate unused educational benefits to [REDACTED]
[REDACTED]/1 month, [REDACTED]/34 months, and [REDACTED]/1 month.

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 was approved to transfer Post-9/11 GI Bill education benefits and completed his service obligation, however failed to allocate benefits to each of his dependent children prior to transferring to the Retired List. Although Petitioner did not complete the proper administrative requirements, the Board found that had he received clear counseling from his command regarding the inability to distribute the education benefits upon transferring to the Retired List, he would have taken appropriate action. Therefore, the Board determined that under this circumstance, relief is warranted.

RECOMMENDATION

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

Petitioner reallocated education benefits to [REDACTED]/1-month, [REDACTED]/33 months, [REDACTED]
[REDACTED]/1-month, and [REDACTED]/1-month through the MilConnect TEB portal prior to
transferring to the Retired List effective 1 June 2011.

Note: Commander, Navy Personnel Command (PERS-311) will ensure Petitioner's Benefits for Education Administrative Services Tool Family Member History is updated with the aforementioned approved allocation of education benefits.

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.

8/9/2024

