



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

█
Docket No. 6692-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █
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Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S.C. Chapter 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 establish eligibility to transfer Post-9/11 GI Bill education benefits to his eligible dependent children effective 11 July 2019.

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 13 November 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, she 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 (c), the option to transfer a Service member's unused education benefits to an eligible dependent required a 4-year additional service obligation at the

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[REDACTED]

time of election. Additionally, enlisted personnel were required to have sufficient time on contract to meet the additional service requirement prior to initiating their electronic transfer election. Furthermore, the policy directed members to periodically check the status of their application; a denied transfer of education benefits (TEB) application required members to take corrective action and reapply with a new service obligation end date.

c. Reference (d) update the TEB process by establishing an online, self-service Statement of Understanding that must be completed by all Sailors prior to submitting a TEB application effective 1 October 2018.

d. On 19 July 2004, Petitioner entered active duty.

e. On 24 February 2007, Petitioner married [REDACTED] and had four children: [REDACTED] born on 20 September 2008; [REDACTED] born on 15 October 2011; and [REDACTED] born on 17 August 2016.

f. On 18 May 2018, Petitioner reenlisted for 6 years and thereafter extended for 16 months.

g. On 11 July 2019, Petitioner submitted TEB application. The Service rejected the application indicating "Disapprove-SM [Service Member] has not committed to the required additional service time." There is no evidence that Petitioner completed the required Statement of Understanding before submitting TEB application.

h. On 8 January 2024, Petitioner requested to transfer to the Fleet Reserve on 30 September 2025.

i. On 5 March 2024, Petitioner completed the required Statement of Understanding and submitted second TEB application with less than 4 years remaining on contract. The Service rejected the application indicating "Disapprove-SM has not committed to the required additional service time."

j. On 7 March 2024, Navy Personnel Command approved Petitioner's request to transfer to the Fleet Reserve effective 30 September 2025.

k. On 28 May 2024, Petitioner signed NAVPERS 1070/621, Agreement to Extend Enlistment for 4 months to incur sufficient service to meet Fleet Reserve date authorized.

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 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) and (d). Although Petitioner did not complete the appropriate administrative requirements, the Board concluded that had he received adequate counseling, he would have been able to transfer unused education benefits to eligible dependents

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[REDACTED]

by submitting the required Statement of Understanding prior to submitting his 11 July 2019 TEB application. 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, in coordination with his command completed the required Statement of Understanding on 11 July 2019 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]/12-months, [REDACTED] 12-months and [REDACTED]/12-months through the MilConnect TEB portal on 11 July 2019.

Commander, Navy Personnel Command (PERS-314) reviewed Petitioner's TEB application, and it was approved on 11 July 2019 with a 4-year service obligation.

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.

11/26/2024

[REDACTED]