



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

■
Docket No. 6721-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER ■■■■■■■■■■, USN,
■■■■■■■■■■

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S.C. § 3319
(c) NAVADMIN 203/09

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 eligible dependents effective 9 December 2009.

2. The Board, consisting of ■■■■■■■■■■, ■■■■■■■■■■, and ■■■■■■■■■■ reviewed Petitioner's allegations of error and injustice on 17 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 22 May 1998, married ■■■■■■■■■■.
- b. On 13 June 2001, Petitioner entered active duty.
- c. Petitioner had two children: ■■■■■■■■■■ born on ■■■■■■■■■■; and ■■■■■■■■■■, born on ■■■■■■■■■■.

d. On 9 December 2009, Petitioner submitted transfer of education benefits (TEB) application. The Service rejected the application indicating, "[d]isapproved – "SM [Service Member] has not committed to the required additional service time." Petitioner's Electronic Service Record (ESR) did not contain the required Page 13.

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[REDACTED]

e. On 10 December 2009, Petitioner and witness signed “Additional Service Obligation for Transfer of Post 9/11 GI Bill Benefits” Page 13, acknowledging his understanding the requirement to “complete four (4) more years in the Armed Forces (Active or Selected Reserve) from the date I request transferability of Post 9/11 [...]” and it was uploaded to his ESR. However, the entry was not verified until 26 February 2015.

f. On [REDACTED], Petitioner’s child, [REDACTED], was born.

g. On 15 June 2015, Petitioner accepted a Reserve commission, resigned his active duty commission on 1 July 2015, and assigned to the Navy Reserve Individual Ready Reserve on 2 July 2015.

h. On 3 May 2019, Petitioner discharged from the Navy Reserve.

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 references (c).¹ Although Petitioner did not complete the appropriate administrative requirements, the Board concluded that had he received adequate counseling, he would have completed the Page 13 before submitting his TEB application. Moreover, the Board determined Petitioner completed over 5 years of active duty after submitting his TEB application on 9 December 2009, thereby meeting the spirit and intent of reference (b). 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 NAVPERS 1070/613, Administrative Remarks on 9 December 2009, and submitted to Commander, Navy Personnel Command for inclusion in the Petitioner’s Official Military Personnel File.

Petitioner elected to transfer unused education benefits to [REDACTED]/18 months, and [REDACTED]/17 months through the MilConnect TEB portal on 9 December 2009. Note: Prior to retirement Petitioner allocated education benefits to [REDACTED]/1-month.

¹ The option to transfer a Service member’s unused education benefits to an eligible dependent required a 4-year additional service obligation at the time of election for those eligible to retire on or after 1 August 2012. Additionally, all officers were required to have a NAVPERS 1070/613, Administrative Remarks (Page 13), prepared by their command in the Navy Standard Integrated Personnel System ESR, agreeing to serve the four 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 required members to take corrective action and reapply with a new service obligation end date.

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[REDACTED]

Commander, Navy Personnel Command (PERS-314) reviewed Petitioner's TEB application, and it was approved on 9 December 2009 with a 4-year obligation. Note: Navy Personnel Command (PERS-311) will ensure Petitioner's BEAST 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.

8/1/2024

