



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

██████████
Docket No. 6893-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████ USNR RET,
XXX-XX-██████████

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S.C. Chapter 33
(c) BUPERSNOTE 1780

Encl: (1) DD Form 149 w/attachments
(3) 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 his Post-9/11 GI Bill education benefits to his eligible dependents.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 5 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, 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.

b. In accordance with reference (c), the option to transfer a Service member's unused education benefits to an eligible dependent did not require an additional service at the time of election for those eligible for retirement on 1 August 2009, provided the member submitted an

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application into the MilConnect Transfer of Education Benefits (TEB) portal prior to 1 August 2013. 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 Electronic Service Record (ESR), 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.

- c. Petitioner's Pay Entry Base Date was 4 September 1986.
- d. Petitioner mobilized in support of OPERATIONS NOBLE EAGLE and ENDURING FREEDOM from 2 November 2001 to 11 November 2002.
- e. On 5 November 2005, Petitioner's fourth child, [REDACTED] was born.
- f. On 3 September 2007, Petitioner completed 20-years of qualifying service for non-regular retirement.
- g. Petitioner's Fitness Reports and Statement of Service reflect he was recalled to active duty from 8 December 2008 to 28 December 2011.
- h. Petitioner mobilized in support of OPERATION ENDURING FREEDOM from 27 April 2012 to 8 June 2013.
- i. On 23 June 2013, Petitioner signed "NAFW POST 9/11 TRANSFER TO DEPENDENTS" Page 13. The Page 13 was uploaded to Petitioner's ESR and verified on 25 June 2013.
- j. Petitioner transferred to the Retired Reserve without pay effective 1 February 2017, followed by transfer to the Retired Reserve with pay effective 7 February 2017.
- k. On 22 February 2024, Petitioner's daughter, [REDACTED] completed VA Form 22-1990E, Application for Family Member to Use Transferred Benefits. The Department of Veterans Affairs denied the request on 28 February 2024 indicating, "We denied your claim for Post-9/11 GI Bill benefits because the Navy hasn't indicated that your spouse or parent have been approved for the transferability program." Benefits for Education Administrative Services Tool – Service Member History does not reflect that Petitioner ever submitted an application to transfer education benefits in the MilConnect TEB portal.
- l. Petitioner claims to have only recently discovered that his request to TEB was not completed upon his daughter's request for education benefits being denied by the Department of Veterans Affairs. Petitioner contends that he completed the TEB process in 2013 as documented by the completion of the Page 13 "at the grade of CAPTAIN with 30 years of service and active duty in imminent danger pay areas during prescribed periods that fulfills the eligibility requirements for this benefit transfer under Chapter 33 of the Post-9/11 GI Bill." Additionally, Petitioner states that he has pursued resolution through various agencies but despite his efforts, the issue remains unresolved.

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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). The Board concluded that Petitioner's completion of the required Page 13, and subsequent continued service thereafter demonstrated his intention to transfer education benefits. 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 dependent on 23 June 2013 without a service obligation. Therefore, the Board determined that under these circumstances, relief is warranted.

RECOMMENDATION

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

Petitioner elected to transfer unused education benefits to [REDACTED]/36-month on 23 June 2013 through the MilConnect TEB portal.

Commander, Navy Reserve Forces Command (CNRFC) reviewed Petitioner's TEB application and it was approved on 23 June 2013 without a service obligation in accordance with reference (c). Note: CNRFC is directed to 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 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.

11/25/2024

