



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

■
Docket No. 7017-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S.C. Ch 33
(c) BUPERSNOTE 1780
(d) NAVADMIN 236/18
(e) MILPERSMAN 1780-011

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 30 January 2014.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 11 September 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.

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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 time of election. 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), 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 transfer of education benefits (TEB) application required member to take corrective action and reapply with a new service obligation end date.

c. Reference (d) updated the TEB process by establishing an online, self-service Statement of Understanding (SOU) that was to be completed by all Sailors prior to submitting a TEB application effective 1 October 2018. Reference (e) further updated the administrative requirements to TEB and reiterated the requirement to complete the online, self-service TEB SOU.

d. On 10 August 1993, Petitioner entered active duty.

e. Petitioner had two children: [REDACTED] born on [REDACTED] and [REDACTED] born on [REDACTED].

f. On 11 June 2005, Petitioner accepted a regular commission in the U.S. Navy.

g. On 16 July 2010, Petitioner married [REDACTED].

h. On 11 June 2013, Petitioner submitted TEB application. The Service rejected the application indicating, Disapproved SM [Service Member] has not committed to the required additional service time." Petitioner's ESR did not contain the required Page 13.

i. On 30 January 2014, Petitioner signed "4 Year Service Obligation for Transfer of Post 9-11 GI-Bill Benefits" Page 13 and it was uploaded to his ESR.

j. On [REDACTED], Petitioner's child, [REDACTED], was born.

k. On 27 June 2024, Petitioner submitted TEB application. The Service rejected the application indicating, Disapproved SM has not committed to the required additional service time." Petitioner had not completed the required TEB SOU.

l. On 2 August 2024, Petitioner issued BUPERS Order: [REDACTED] (Official Retirement Orders) effective 1 May 2025.

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

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requirements outlined in references (c) through (e). 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 when he completed the Page 13 on 30 January 2014. Moreover, the Board determined Petitioner has completed over 10 years of active duty service since signing the Page 13, thereby meeting the spirit and intent of reference (b). Therefore, the Board determined 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]/1-month and [REDACTED]/1-month through the MilConnect TEB portal on 30 January 2014. Note: Petitioner allocated education benefits to [REDACTED]/34 months after date of birth on [REDACTED].

Commander, Navy Personnel Command (PERS-314) reviewed Petitioner's TEB application, and it was approved on 30 January 2014 with a 4-year service obligation. Note: Note: PERS-311 will ensure Petitioner's Benefits for Education Administrative Services Tool Family 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.

9/27/2024

[REDACTED]