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

Docket No. 8175-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ███████████████████████████
          ██████████

Ref: (a) Title 10 U.S.C. § 1552
          (b) 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 allocate unused Post-9/11 GI Bill education benefits to his youngest eligible dependent child.

2. The Board, consisting of ████████████████████████ reviewed Petitioner's allegations of error and injustice on 18 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. Petitioner's Active Duty Service Date was 25 July 1988.

   b. On 29 October 1995, Petitioner's first child, █████████████ was born.

   c. On 20 October 1997, Petitioner married ████████████, and they had two children: ████████████ born on 29 December 1997; and ████████████ born on 17 November 2005.

   d. On 1 November 2017, Petitioner submitted Transfer of Education Benefits (TEB) application and allocated education benefits to ████████████23 months. The Service approved the application with an obligation end date of 17 May 2010.

   e. Petitioner transferred to the Fleet Reserve effective 1 August 2012.

f. The Benefits for Education Administrative Services Tool (BEAST) Education Summary reflects that Petitioner's spouse, ████████████ used 20 months of education benefits; last payment was 21 December 2017.

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 youngest dependent child prior to transferring to the Fleet Reserve. 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 Fleet Reserve, 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 ████████████/23 months, and ████████████/12 months through the MilConnect TEB portal prior to transferring to the Fleet Reserve effective 1 August 2012.

Note: Commander, 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 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.

9/30/2024

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