



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

██████████
Docket No. 8633-24
Ref: Signature Date

██████████
██
██████████

Dear ██████████,

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 13 March 2025. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

On 28 April 1995, you enlisted in the U.S. Naval Reserve for 8 years.

You were released from active duty and transferred to the Naval Reserve with an honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 6 November 1995 to 19 April 2000 upon completion of required active service.

On 9 August 2001, you were issued an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) with a designator code of 1635 (Restricted Line (Strategic Sealift and Public Affairs)) in the inactive U.S. Naval Reserve listing block 13 (Permanent grade) ENS, block 14 (Permanent grade date) 2 August 2001, block 15 (Present Grade) ENS, and block 16 (Present grade date) 2 August 2001. You/witness signed this form on 17 August 2001.

You were released from active duty and transferred to the Naval Reserve with an honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 12 March 2005 to 21 February 2006 upon completion of required active service. You were released from active-duty special works with an honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 1 November 2006 to 30 September 2007 upon completion of required active service.

In accordance with 38 U.S. Code § 3319 - Authority to transfer unused education benefits to family members. “Eligible Individuals. An individual referred to in subsection (a) is any member of the Armed Forces who, at the time of the approval of the individual's request to transfer entitlement to educational assistance under this section, has completed at least—(1) six years of service in the armed forces and enters into an agreement to serve at least four more years as a member of the Armed Forces; or (2) the years of service as determined in regulations pursuant to section (k).”

In accordance with BUPERSNOTE 1780, published on 7 April 2010, “Administrative Requirements of Transfer. (1) Ensure spouse and/or children are enrolled in DEERS and eligible for ID card benefits prior to completing application to transfer Post-9/11 GI Bill entitlement. (2) Ensure the required, additional Armed Forces service obligation (see paragraphs 13a(1), (2), and (3) (c)-(f) is reflected in the Electronic Service Record (ESR) prior to making election to transfer Post-9/11 GI Bill entitlement. Applications from members whose ESR does not reflect the required additional service obligation will be disapproved...SELRES Officers and Enlisted: All SELRES members are required to have a NAVPERS 1070/613 Administrative Remarks page prepared by their command in the Navy Standard Integrated Personnel System (NSIPS) ESR agreeing to serve the required additional years of service...The NAVPERS 1070/613 will be signed by the member, witnessed and dated... Members should check the TEB Web site periodically for status of their applications...”

On 30 July 2010, you got married.

On 10 October 2013, Commander, Navy Personnel Command (PERS-9) notified you that “1. The Secretary of the Navy accepted your request for transfer to the Retired Reserve under references (a) [10 U.S.C. § 10154] and (b) [10 U.S.C. § 12731(b)] and authorized your transfer to Retired Reserve status effective 01 June 2013.”

“You have completed the requisite years of qualifying service for retired pay for non-regular service under reference (c). As of 01 June 2013, you have completed 17 years of qualifying service, with a total of 03409 retirement points for retired pay. Enclosure (2) [Statement of Service for Navy Reserve Retirement] is used to document your initial eligibility. An updated Statement of Service for Navy Reserve Retirement will be provided on your retirement or discharge. Upon application, per reference (d), you will be entitled to retired pay at age 60 or sooner if qualified under reference (e) [National Defense Authorization Act FY 2008]. Although your pay is prior to age 60, your medical benefits will commence at age entitlement 60.”

On 8 March 2025, your Benefits for Education Administrative Service Tool listed no dependents.

You requested to establish eligibility to transfer Post-9/11 GI Bill education benefits to your eligible dependents. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that your medical retirement forced your separation as an officer over the phone and at the time, even though you had the GI Bill, the enlisted staff that conducted your separation over phone and email did not know you had the GI Bill and that you did not know of any transfer requirements. You further assert that, “I was married and would have transferred them to my wife and or stepdaughter at the time.” However, the Board concluded the ability to transfer Post-9/11 GI Bill education benefits to eligible dependents is a recruiting and retention tool that became effective 1 August 2009 in accordance with Title 38 U.S.C. § 3319. Pursuant to this law, Navy guidance implementing the transfer of Post 9/11 GI Bill education benefits published by Navy Administration (NAVADMIN) message 187/09, released on

26 June 2009 and NAVADMIN 203/09, released on 11 July 2009. Subsequently, Bureau of Naval Personnel Notice 1780 promulgated on 7 April 2010 was published, outlining eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, the aforementioned policies required a 4-year additional service obligation from the date of election for those eligible to retire on or after 1 August 2012. All officers were required to have a NAVPERS 1070/613, Administrative Remarks, prepared by their command in the Navy Standard Integrated Personnel System Electronic Service Record, agreeing to serve the required additional years of service prior to initiating their electronic transfer election. To garner approval to transfer education benefits (TEB), all service members are required to initiate their election using the MilConnect TEB portal. The Board could not find, nor did you provide evidence that you completed the required NAVPERS 1070/613, Administrative Remarks or that you utilized/completed the MilConnect TEB portal to transfer any of your unused education benefits to your spouse at any time. Therefore, you are ineligible to transfer Post-9/11 GI Bill education benefits. Additionally, the Board noted that the ability to transfer your Post-9/11 GI Bill education benefits to eligible dependents is a recruiting and retention tool; therefore, you could not have agreed to the additional service with a request to transfer your benefits at the time of your medical retirement, even if the enlisted staff working on your separation had brought the TEB process to your attention. Therefore, the Board determined a change to your record is not warranted.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

3/17/2025

