



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

██████████
Docket No. 8650-24
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.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

On 21 October 1992, you signed a Montgomery GI Bill Act of 1984 Basic Enrollment form (DD Form 2366) and elected to enroll in the program. On 15 February 2006, you reenlisted for 2 years with an End of Active Obligated Service (EAOS) of 14 February 2008. On 8 February 2007, your child was born. On 29 January 2008, Navy Standard Integrated Personnel System (NSIPS) / Electronic Service Record (ESR) shows a 1-month agreement to extend enlistment with an Soft EAOS of 14 March 2008. On 11 March 2008, NSIPS/ESR shows a 24-month agreement to extend enlistment with an Soft EAOS of 14 March 2010.

On 8 March 2010, you reenlisted for 2 years with an EAOS of 7 March 2010.

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 [transfer of education benefits] Web site periodically for status of their applications..."

On 7 March 2012, you reenlisted for 2 years with an EAOS of 6 March 2014.

On 26 March 2012, you were issued official change duty orders (BUPERS order: [REDACTED]) while stationed in [REDACTED] with an effective date of departure of September 2012. Your ultimate activity was [REDACTED] for duty with an effective date of arrival of 12 October 2012 with a projected rotation date of October 2015. On 26 February 2013, you were issued official cancellation to change duty orders (BUPERS order: [REDACTED]).

On 4 June 2013, you submitted TEB applications and requested to allocate education benefits to [REDACTED]/1-month. The Service rejected the applications indicating, "Disapproved – SM [Service Member] has not committed to the required additional service time."

You were transferred to the Fleet 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 14 October 1992 to 30 September 2013 upon having sufficient service for retirement. Furthermore, block 12c (NET active service this period) 20 years, 11 months, and 17 days.¹

You requested to establish eligibility to transfer Post-9/11 GI Bill education benefits to your eligible dependent son, the Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. 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. § 3319.² 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. These policies outlined 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 at the time of election for those eligible to retire on or after 1 August 2012. Enlisted personnel were required to have sufficient time on contract to meet the additional service requirement prior to initiating their electronic transfer

¹ You were issued a DD Form 215 on 14 November 2013, correction to your DD Form 214, correcting block 18 to read: Effective Date of Permanent Retirement: 01OCT 2013 vs Effective date of Transfer to Fleet Reserve: 01OCT2013, block 23 Retired vs Transferred to the Fleet Reserve, block 25 MILPERSMAN 1850-020 & NPC 121428Z NOV13 vs MILPERSMAN 1830-040 & NPC 210149Z MAY13, block 26 SFJ vs NBD, and block 28 Disability, Permanent vs Sufficient Service for Retirement.

² 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).

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.

You assert that “[w]hen the Post 911 GI Bill was first introduced, it was communicated to me that I would have to perform four years of active-duty service to be eligible for the program. At the time I applied for the benefits, I was a First-Class Petty Officer with a little over four years remaining before my retirement date. It was never explained to me that I would have to commit to an additional four years of service in conjunction with my expiration of active obligated service (EAOS).”

However, the Board determined that you reached retirement eligibility on 14 October 2012. You submitted your TEB application on 4 June 2013, approximately 9 months *after* your retirement eligibility date, and were required to obligate service to 3 June 2017 to gain TEB approval. Your request was denied because you did not commit to the required additional service time. You were transferred to the Permanent Disability Retired List on 1 October 2013. The Board could not find, nor did you provide evidence that you were incorrectly advised regarding the requirements to TEB. The Board noted your son was born on 8 February 2007, Navy policies pertaining to TEB were published in 2009, and the benefit was a hot topic of discussion for the three years preceding your retirement. The abovementioned policies provided procedures on how to transfer your education benefits to your son and Command Career Counselors and Navy Personnel Command (PERS-314) staff were available to provide assistance for personnel experiencing difficulty with the process. Therefore, given the totality of the circumstances, the Board determined that your request does not merit relief.

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

