



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

Docket No. 9050-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD IC0

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S. Code § 3319
(c) BUPERSNOTE 1780, 14 Sep 15
(d) NAVADMIN 236/18, 24 Sep 18

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 show Petitioner transferred Post-9/11 GI Bill education benefits to eligible dependents effective 16 July 2019.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 20 March 2025 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. On 29 August 2008, Petitioner reenlisted for 3 years with an End of Active Obligated Service (EAOS) of 28 August 2011.

b. Reference (b) the 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).

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[REDACTED]

c. On 14 January 2012, Petitioner's first dependent child [REDACTED] was born.

d. Reference (c) Transfer of Post-9/11 GI Bill Entitlement. To promote recruitment and retention of members of the Armed Forces, the Secretary of Defense and SECNAV have agreed to allow eligible individuals to transfer a portion or all of their unused Post-9/11 GI Bill entitlement to their spouse and or children. Administrative Requirements of Transferor...Ensure the required, additional Armed Forces service obligation (see paragraphs 13a(1) and (2)) 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. The members will then be required to reapply for transferability and their additional service obligation will be calculated from the date their reapplication is approved. Approvals cannot be backdated to the original submission date...SELRES Officers and Enlisted: All SELRES members are required to have a NAVPERS 1070/613 Administrative Remarks page agreeing to serve the required additional years of service prepared by their command in the Navy Standard Integrated Personnel System (NSIPS) ESR. See paragraph 13b(2)(d) below for required statement for NAVPERS 1070/613. The NAVPERS 1070/613 shall be signed by the member, witnessed, and dated.

e. On 26 November 2016, Petitioner got married [REDACTED]

f. On 28 April 2017, Petitioner reenlisted for 4 years with an EAOS of 27 April 2021.

g. On 29 August 2017, Petitioner signed an agreement to extend enlistment for 2 months with an SEAOS of 27 June 2021 in order to incur obligated service to execute BUPERS order 2377.

h. On 1 December 2017, Petitioner's second dependent child [REDACTED] was born.

i. Reference (d) updated TEB process effective 1 October 2018: a. An online, self-service Statement of Understanding (SOU) replaces the Administrative Remarks (NAVPERS 1070-613) (i.e., Page 13) pre-requisite for all Selected Reserve (SELRES) Sailors and all officers in references (a) and (b). b. This SOU must be completed by all Sailors prior to submitting a TEB application.

j. On 26 April 2019, Petitioner reenlisted for 5 years with an EAOS of 25 April 2024.

k. On 9 July 2019, Petitioner's third dependent child [REDACTED] was born.

l. On 16 July 2019, Petitioner submitted TEB applications and requested to allocate education benefits. The Service rejected the application on 18 July 2019 indicating, "Disapproved – SM [Service Member] has not committed to the required additional service time."

m. On 6 November 2020, Petitioner reenlisted for 5 years with an EAOS of 5 November 2025.

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n. On 7 December 2020, Petitioner signed an agreement to extend enlistment for 6 months with an SEAOS of 5 May 2026 in order to incur obligated service to execute BUPERS order 2060.

o. On 31 January 2022, Petitioner was issued an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) with a designator code of 7181 (Electronics Technician (Surface)) in the active U.S. Navy listing block 18 (Permanent grade) CWO2, block 19 (Permanent grade date) 1 April 2022, block 20 (Present Grade) CWO2, and block 21 (Present grade date) 1 April 2022. Petitioner/witness signed this form on 1 April 2022.

p. On 11 February 2022, Petitioner submitted TEB applications and requested to allocate education benefits. The Service approved the application on 18 May 2022 with an obligation end date of 10 February 2026.

q. Petitioner was discharged with an honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 17 September 2003 to 31 March 2022 upon accepting commission or warrant in same branch of service.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that on 16 July 2019, Petitioner submitted TEB applications; however, he did not complete TEB Statement of Understanding prior to submitting his TEB application in accordance with reference (d). At the time of the submission, Petitioner's EAOS was 25 April 2024. Although he clearly had enough service time remaining on contract, the service denied his request because he had not committed to the additional service time. The Board determined that Petitioner met the basic eligibility criteria to transfer Post-9/11 GI Bill education benefits but failed to complete the administrative requirements outlined in reference (d). The Board agreed that had he received adequate counseling, he would have completed the TEB Statement of Understanding prior to submitting his initial TEB application. 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, in coordination with his command completed the required TEB Statement of Understanding on 16 July 2019 and submitted it to Commander, Navy Personnel Command for inclusion in the Petitioner's Official Military Personnel File.

Petitioner elected to transfer unused education benefits to [REDACTED] 1-month, [REDACTED] /1-month, [REDACTED] /1-month, and [REDACTED] /1-month through the MilConnect TEB portal on 16 July 2019.

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[REDACTED]

Commander, Navy Personnel Command (PERS-311) reviewed Petitioner's TEB application, and it was approved on 16 July 2019 with a 4-year service obligation.

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.

3/31/2025

[REDACTED]