



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

[REDACTED]  
Docket No. 9133-24  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN RET,  
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552  
(b) Title 38 U.S. Code § 3319  
(c) NAVADMIN 203/09, 11 Jul 09  
(d) 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 show Petitioner entered active duty on 1 August 1989 vice 3 October 1989 and was eligible to transfer Post-9/11 GI Bill education benefits to his eligible dependent son.

2. The Board, consisting of [REDACTED], and [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. 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).

b. On 29 February 2008, Petitioner got married [REDACTED] and gained one stepchild [REDACTED]

c. On [REDACTED] Petitioner's child was born [REDACTED]

d. Reference (c) explained transferability policies and the application process. This process is complicated and servicemembers must consult with their career counselors to fully understand it. This NAVADMIN is broken into four parts: eligibility, process, service obligation policy, and reference information. Per ref a, transferability under the Post 9-11 GI Bill is a recruiting and retention tool. While an individual may be eligible for educational benefits provided by the Post 9-11 GI Bill, generally the option to transfer a member's unused benefits to a family member (spouse/children enrolled in the defense eligibility enrollment system (DEERS)) requires an additional service commitment in the armed forces (active duty and/or selected reserve (SELRES)). The transferability option must be elected while the member is serving in the armed forces. Active members who separate, retire, transfer to the fleet reserve or who are discharged prior to 1 August 2009, are not eligible to elect transferability...Must have served at least ten years in the armed forces and if either Navy, DoD policy or federal statute restricts the member from committing to four additional years, members must agree to serve the maximum amount of time allowed by that policy or statute; or 10, U.S.C., section 12732) during the period of 1 August 2009 through 1 August 2012, and agrees to serve the additional period, if any, specified below: ... (3) for those eligible for retirement after 1 August 2009 and before 1 August 2010, one year of additional service is required. Failure to complete the service agreement after transferring entitlement may result in an overpayment of educational assistance and is subject to collection by the Department of Veteran's Affairs (DVA). Members may check TEB periodically for status of their application. If request is disapproved, member must take corrective action and reapply. Approved applications will be sent electronically to DVA via the Defense Manpower Data Center.

e. On 2 October 2009, Petitioner reenlisted for 4 years with an EAOS of 1 October 2013. Additionally, on this date, Petitioner had completed 20 years of active service and became eligible for retirement.

f. Reference (d) Transfer of Post-9/11 GI Bill Entitlement. To promote recruitment and retention of members of the Armed Forces, the Secretary of Defense/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. Before a member can apply to transfer entitlement, the spouse and/or children must be enrolled in the Defense Eligibility Enrollment System (DEERS) and be eligible for ID card benefits. For children, this means the child has not reached age 21 or has not reached age 23 and is enrolled full-time at an IHL. Eligible Individuals. Any member in the Armed Forces on or after 1 August 2009, who is eligible for the Post-9/11 GI Bill and who, at the time of approval of the individual's request to transfer their unused Post-9/11 GI Bill entitlement:... (3) Is/becomes retirement eligible during the period 1 August 2009 through 1 August 2012, and agrees to serve the additional period, if any, specified below... For those eligible for retirement after 1 August 2009 and before 1 August 2010, 1 additional year from the date of transfer election is required in the Armed Forces. Administrative Requirements of Transferor... Ensure the required, additional Armed Forces service obligation (see paragraphs 13a(1), (2), and (3)(c)-(f)J is reflected in the Electronic Service Record (ESR) prior to making election to transfer Post-9/11 GI Bill entitlement... Members should check the TEB Web site

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[REDACTED]

periodically for status of their applications. If an application is disapproved, the member should see their command career counselor, take corrective action and then must reapply.

g. On 28 June 2011, [REDACTED] notified UIC [REDACTED] that "IRT REF A [Request for Transfer to Fleet Reserve], FLTRES TRF request is being processed for - 120831. This message serves as intent to approve member's request. A final authorization of approval will be provided with members statement of service NLT 120 days prior to FLTRES date."

h. On 10 August 2012, Petitioner submitted TEB applications and requested to allocate education benefits to [REDACTED]. The Service approved the application on 10 August 2012 with an obligation end date of 9 August 2013.

i. Petitioner was 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 3 October 1989 to 31 August 2012 upon having sufficient service for retirement.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded that on 2 October 2009, Petitioner had completed 20 years of active service and became eligible for retirement. In accordance with references (c) and (d), Petitioner met the basic eligibility criteria to transfer Post-9/11 GI Bill education benefits with only 1 year of service obligation but failed to complete the administrative requirements outlined therein. Although Petitioner did not complete the appropriate administrative requirements, the Board determined that had he received adequate counseling, he would have been able to transfer unused education benefits to his eligible dependent upon reenlisting on 2 October 2009. Moreover, the Board agreed that Petitioner completed over 2-years of service after reenlisting before he retired, thereby meeting the spirit and intent of reference (b). Therefore, the Board determined that under these circumstances, partial 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] through the MilConnect TEB portal on 2 October 2009.

Commander, Navy Personnel Command (PERS-314) reviewed Petitioner's TEB application, and it was approved on 2 October 2009 with a 1-year service obligation.

A copy of this report of proceedings will be filed in Petitioner's naval record.

That no further changes be made to Petitioner's naval record.

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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

