



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

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Docket No. 9199-24
Ref: Signature Date

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From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD [REDACTED] USNR RET,

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S. Code § 3319
(c) BUPERSNOTE 1780, 7 Apr 10

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(c) BUPERSNOTE 1780, 7 Apr 10

Encl: (1) DD Form 149 w/attachments
(2) Subject's naval record

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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 that his naval record be corrected to show that Petitioner transferred Post-9/11 GI Bill education benefits to his eligible dependent children.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 3 April 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. Petitioner was discharged 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 10 August 1993 to 5 June 2001 upon completion of required active service.

b. Reference (b) 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).

c. Reference (c) 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 : (1) Has served at least 6 years (active duty and/or SELRES), and agrees to serve at least 4 additional years in the Armed Forces from the date of election; or (2) Has served at least 10 years (active duty and/or SELRES) on the date of election and either standard policy (Navy or Department of Defense) or statute preclude the member from committing to 4 additional years, but they agree to serve the maximum amount of time allowed by such policy of statute; or (3) Is/becomes retirement eligible during the period of 1 August 2009 through 1 August 2012, and agrees to serve the additional period, if any, specified below.

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. Applications from members whose ESR does not reflect the required additional service obligation will be disapproved. The member will then be required to reapply for transferability and their additional service obligation will be calculated from the date their reapplication is approved.

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. See paragraph 13b (2) (c) below for required statement for NAVPERS 1070/613. The NAVPERS 1070/613 will be signed by the member, witnessed and dated.

d. On 21 August 1999, Petitioner got married [REDACTED]

e. On 6 February 2002, Petitioner's first dependent child was born [REDACTED]

f. Petitioner was 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 26 November 2001 to 5 December 2002 upon completion of required active service. Furthermore, the following remarks was listed: "Mobilized in support of operations Noble Eagle and Enduring Freedom."

g. On 27 November 2003, Petitioner's second dependent child was born [REDACTED]
[REDACTED]

h. On 6 November 2007, Petitioner's third dependent child was born [REDACTED]

i. On 21 February 2009, Petitioner reenlisted in the inactive U.S. Naval Reserve for 4 years with a new contract expiration date of 20 February 2013.

j. On 15 December 2009, Petitioner's fourth dependent child was born [REDACTED]

k. On 15 March 2012, Petitioner signed an agreement to extend enlistment for 15 months with a new contract expiration date of 20 May 2014 in order to incur sufficient obligated service for retirement.

l. On 1 February 2014, Petitioner reenlisted in the inactive U.S. Naval Reserve for 6 years with a new contract expiration date of 31 January 2020.

m. Navy Standard Integrated Personnel System (NSIPS)/Electronic Service Record (ESR) listed an Administrative Remarks (NAVPERS 1070/613) issued by [REDACTED] On 1 February 2014, with the following: "I understand by signing this page 13, I agree to complete four more years in the Armed Forces from the date I request transferability of Post 9-11, REAP or MGIB-SR education benefits to my Dependents/Family Members. I understand that failure to complete this four year obligation may lead to an overpayment by the Department of Veteran's Affairs that may be recouped for any payments made to Dependents/Family Members."

n. On 21 November 2014, Commander, Navy Personnel Command (PERS-912) notified Petitioner that "[y]ou have completed all requirements to receive retired pay at or after age 60 under the provision of references (a) [10 U.S.C. Chapter 1223] and (b) [BUPERSINST 1001.39F]. Eligibility may not be denied or revoked unless it resulted directly from fraud or misrepresentation on your part. The number of years of creditable service and the amount of retired pay, however, may be adjusted for errors. Enclosure (1) [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 upon your retirement or discharge."

o. On 7 December 2014, Petitioner reenlisted in the inactive U.S. Naval Reserve for 6 years with a new contract expiration date of 6 December 2020.

p. Navy Standard Integrated Personnel System (NSIPS)/Electronic Service Record (ESR) listed an Administrative Remarks (NAVPERS 1070/613) issued by [REDACTED] On 7 December 2014, with the following: "I understand by signing this page 13, I agree to complete four more years in the Armed Forces from the date I request transferability of Post 9-11, REAP or MGIB-SR education benefits to my Dependents/Family Members. I understand that failure to complete this four-year obligation may lead to an overpayment by the Department of Veteran's Affairs that may be recouped for any payments made to Dependents/Family Members."

q. On 7 December 2014, NR LCS SUW GREAT LAKES issued you an Administrative Remarks (NAVPERS 1070/613) listing the following: "I understand by signing this page 13, I agree to complete four more years in the Armed Forces from the date I request transferability of Post 9-11, REAP or MGIB-SR education benefits to my Dependents/Family Members. I understand that failure to complete this four-year obligation may lead to an overpayment by the Department of Veteran's Affairs that may be recouped for any payments made to Dependents/Family Members." This form was signed by the Reenlisting Officer, Petitioner, and Command Career Counselor.

r. Petitioner was released from active duty and transferred to the Naval Reserve with an honorable character of service and was issued a Certificate of Release or Discharge from Active

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[REDACTED]

Duty (DD Form 214) for the period of 30 March 2018 to 8 May 2019 upon completion of required active service. Furthermore, the following remarks was listed: "Mobilized in support of [REDACTED]."

s. On 23 June 2022, Office of the Navy Reserve (N095) notified Petitioner that "I'm sorry to hear you're having difficulty with your education benefits. I understand the GI Bill transferability process and might be able to assist. I'm curious to know what paperwork they're asking for? Once the election is made in DMDC and approved, there shouldn't be additional paperwork required to show your dependent(s) are eligible to use your education benefits. Since CNRFC is in the approval process for transferability (PERS does not approve SELRES) that might also be the disconnect."

t. On 20 March 2024, Commander Navy Reserve Forces Command notified [REDACTED] that "[t]hank you for your correspondence of March 13, 2024, concerning your constituent [Petitioner] regarding his Transferability of Education Benefits.

Pursuant to Title 38 U.S.C. 33, eligibility to transfer unused education benefits to eligible family members became effective August 1, 2009. While an individual may be eligible for education benefits provided by the Post-9/11 GI Bill, the option to transfer a member's unused benefits to a family member must be completed prior to a member's separation and or retirement from the Armed Forces per Department of Defense Instruction (DoDI) 1341.13 and Navy Administrative Message (NAVADMIN) 203/09. NAVADMTN 236/18 states to request a transfer of benefits, the member must: (a) ensure at least four years remaining on current enlistment contract, (b) Statement of Understanding (SOU) for applications made after July 12, 2018, and (c) submit the request via the Transferability of Educational Benefits (TEB) website (<https://www.dmdc.OSD.mil/TEB> within 30 days of meeting additional commitment requirements.

Commander, Navy Reserve Forces Command researched [Petitioner's] inquiry and found that he never requested to transfer his education benefits to his dependents prior to his retirement on April 1, 2020. Commander, Navy Reserve Forces Command does not have the authority to allow [Petitioner] to transfer his education post-retirement."

u. On 31 March 2020, Petitioner transferred to the Retired Reserve without pay effective 1 April 2020.

v. On 25 March 2025, Petitioner's Benefits for Education Administrative Service Tool (BEAST) listed no dependents.

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 Petitioner met the basic eligibility criteria to transfer Post-9/11 GI Bill education benefits. On 1 February 2014, Petitioner agreed to serve the required additional years of service, and his command prepared a

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[REDACTED]

NAVPERS 1070/613 Administrative Remarks page, however Petitioner failed to complete the administrative requirements outlined in reference (c). Although Petitioner did not complete the appropriate administrative requirements, the Board concluded that had he received adequate counseling, he would have been able to transfer unused education benefits to eligible dependents upon reenlisting on 1 February 2014. Moreover, the Board determined Petitioner completed over 6 years of service in the SELRES after reenlisting on 1 February 2014, thereby meeting the spirit and intent of reference (b). Therefore, the Board determined that under this circumstance, 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]
[REDACTED], [REDACTED]
through the MilConnect TEB portal on 1 February 2014.

Commander, Navy Reserve Forces Command (N1) reviewed Petitioner's TEB application and it was approved on 1 February 2014 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.

4/14/2025

