



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

██████████  
Docket No. 11185-24  
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 15 May 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.

In 2002 your first dependent child was born ██████████. In 2008 you married ██████████. In 2008 your second dependent child was born ██████████ and your third dependent child was born in 2012 ██████████.

In accordance with DoD 1341.13 published on 31 May 2013, this instruction, in accordance with the authority in DoD Directive 5124.02: a. Establishes policy, assigns responsibilities, and prescribes procedures for implementing DoD authorities and responsibilities for chapter 33 of Title 38, United States Code (U.S.C.) (also known and hereafter referred to as "the Post-9/11 GI Bill" Title 38, United States Code. b. Establishes policy for the use of supplemental educational assistance (hereafter referred to as "kickers") for Service members with critical skills or specialties, or for members serving additional service in accordance with section 3316 of the

Post-9/11 GI Bill. c. Establishes policy for authorizing the transferability of education benefits (TEB) in accordance with section 3319 of the Post-9/11 GI Bill. d. Assigns responsibility to the DoD Office of the Actuary to perform determinations in support of DoD funding responsibilities for the Post-9/11 GI Bill and in accordance with sections 183 and 2006 of Title 10, U.S.C. e. Incorporates and cancels Directive-Type Memorandum 09-003 Directive Type Memorandum 09-003, "Post-9-11 GI Bill," June 22, 2009.

Members must be eligible to be retained for 4 years from the date of election and not be precluded, prior to approval, by either standard policy (Service or DoD) or statute. (a) Members who have not applied for TEB, who are on limited duty or involved in a Medical Evaluation Board, Physical Evaluation Board (PEB), or Disability Evaluation System (DES) process must wait until the process is complete before applying. If found fit for duty, the Service member will comply with the standard TEB application procedure; (b) Members who applied to TEB, but were denied due to insufficient retainability as a result of being on limited duty or being involved in a Medical Evaluation Board, PEB, or DES process and are later cleared to re-enlist, must request transferability again once they are found fit for duty and commit to an additional 4 year service obligation. Members who applied to TEB before attaining 16 years of service, were denied for the reasons set forth in this paragraph, and were subsequently found fit for, and returned to duty, but only after having accrued more than 16 years of total creditable service, will be allowed to apply to TEB again, provided the member applies to TEB within 90 days of being informed of the fit for duty determination and meets all other eligibility criteria.

In 2014 your fourth dependent child was born ██████████.

On 13 October 2015, you reenlisted for 2 years with an EAOS of 12 October 2017.

On 19 October 2017, you submitted TEB application and requested to allocate education benefits to ██████████/1-month, ██████████/1-month, ██████████/1-month, and ██████████/1-month. The Service rejected the application on 20 October 2017 indicating, "Disapproved - SM does not have 6 yrs in Armed Forces."

On 9 August 2017, you reenlisted for 2 years with an EAOS of 8 August 2019.

On 20 June 2019, ██████████ issued you an Administrative Remarks (NAVPERS 1070/613) listing the following: "I understand that my military service obligation (MSO) is 8 years from my initial entry into military service per 10 U.S.C. Any portion of my MSO not served on active duty must be performed in the Reserve Component. I further understand that I am being transferred to the Individual Ready Reserve (IRR)-Active Status Pool (ASP) and will be subject to involuntary recall to active duty, per 10 U.S.C., section 12031(a) and 12302, to fulfill mobilization requirements." Furthermore, it was verified on 12 July 2019.

You were transferred to the Disability Retired List 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 16 May 2012 to 26 September 2019 due to Disability, Temporary. Furthermore, block 12c (NET active service this period) listed 7 years, 4 months, and 11 days.

On 30 August 2022, Commander, Navy Personnel Command (PERS-954) notified you that “[i]n accordance with the provisions of Title 10, U. S. Code, Section 1210, the Secretary of the Navy has determined that your disability for which you were placed on the Temporary Disability Retired List (TDRL) has stabilized and that your disability is now PERMANENT and rated at Fifty (50) percent disabling. Accordingly, you will be placed on the PDRL [Permanent Disability Retired List] by reason of a permanent physical disability effective 15 August 2022 in the grade of E-5.”

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. The Board determined you completed 6 years of active duty service on 15 May 2018 but at that time, you did not have sufficient time on contract to TEB to your dependents. In accordance with DoD 1341.13 published on 31 May 2013, members must be eligible to be retained for 4 years from the date of election. Enlisted Service members who are on limited duty or involved in a Medical Evaluation Board, PEB, or DES process must wait until found fit for duty to reenlist and apply to TEB. You were transferred to the TDRL on 26 September 2019, and you were transferred to the PDRL effective 15 August 2022. Therefore, the Board concluded that you are ineligible to transfer Post-9/11 GI Bill education benefits to your dependents and that a change to your record is not warranted. However, the Board noted that your dependents may be eligible for the Dependents’ Educational Assistance (DEA) program. Additional information on the DEA program can be found on the Department of Veterans Affairs website, <https://www.va.gov/family-and-caregiver-benefits/education-and-careers/dependents-education-assistance/>.

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,

5/20/2025

[REDACTED]

Deputy Director

Signed by: [REDACTED]