



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

[REDACTED]  
Docket No. 11487-24  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD [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, 7 Apr 10

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 his eligible dependents.

2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 29 May 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 4 July 1998, Petitioner married [REDACTED]. On 5 [REDACTED], Petitioner's dependent child [REDACTED] was born. On [REDACTED], Petitioner's dependent child [REDACTED] was born. On [REDACTED] Petitioner's dependent child [REDACTED] was born. On [REDACTED] Petitioner's dependent child [REDACTED] was born.

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) explains 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: ...4. Members eligible for retirement on or after 1 August 2012 will require an additional four-year service agreement. 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). Ensure additional service obligation (officer and enlisted) is properly documented in electronic service record (ESR) prior to initiating transferability request. Complete electronic transfer election using TEB. 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.

d. 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 on or after 1 August 2012, 4 additional years from the date of transfer election/approval 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 ESR prior to making election to transfer Post-9/11 GI Bill entitlement...Members should check the TEB Web site 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.

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e. On 5 October 2010, Administrative Remarks (NAVPERS 1070/613) was created while Petitioner was assigned to [REDACTED] and listed the following: "I understand by signing this page 13, I agree to complete four more years (or to my statutory limit, whichever is less) in the armed forces (active or SELRES) from the date I request transferability of my POST 9-11, REAP or MGIB-SR education benefits to my dependents or family members using the transfer of education benefits site. I understand that failure to complete this four year obligation may lead to an overpayment by the Department of Veteran's Affairs (DVA) that may be recouped for any payments made to dependents or family members." Official NSIPS/ESR form printed this date 9 May 2016. Furthermore, it wasn't witnessed, nor was it verified.

f. On 29 January 2013, Petitioner submitted TEB application and requested to allocate 9 months of education benefits to each child. The Service rejected the application indicating, "Disapproved SM [Service Member] has not committed to the required additional service time." No evidence of Petitioner completing the required Page 13 was found in his ESR or official military personnel file (OMPF).

g. Petitioner retired 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 31 May 1995 to 31 July 2016 upon having sufficient service for retirement.

h. On 3 October 2024, Navy Personnel Command notified The Honorable Jennifer Wexton, Member, United States House of Representatives that "[t]hank you for your correspondence of September 3, 2024, on behalf of your constituent, [Petitioner], United States Navy, Retired, concerning transferability of his GI Bill Benefits. Your desire to assist [Petitioner] is appreciated."

Transferability under Title 38, United States Code, Chapter 33, Post 9/11 Educational Assistance, is a recruiting and retention tool for the uniformed services. Section 3319 of Title 38, United States Code describes an individual eligible for transferability as any member of the uniformed services 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 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 the years of service as determined in regulations pursuant to section (j).

The Navy GI Bill Programs Office reviewed [Petitioner's] Electronic Service Record, Official Military Personnel File, and the Transfer of Educations Benefits system regarding [Petitioner's] request. Their review revealed that [Petitioner] initially submitted his Transfer of Education Benefits request on January 29, 2013, attempting to transfer his Post-9/11 GI Bill entitlement. This request was rejected the same day because there was no Administrative Remarks, Page 13, in his Electronic Service Record. It was [Petitioner's] responsibility to go back into Transfer of Education Benefits to check his status and take corrective action. [Petitioner] states in his petition he "elected the transfer on the appropriate website around October 2010 and had an Administrative Remarks entry made/' The Administrative Remarks [Petitioner] included in his complaint is still not in his Electronic Service Record and was not filed in his Official Military

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Personnel File until August 3, 2016, more than three years after his Transfer of Education Benefits submission. [Petitioner] also failed to go back in and check the status of his submitted request as was required by the policy.

Unfortunately, now that [Petitioner] has retired, he is no longer eligible to transfer his benefits to his dependents in accordance with Title 38, United States Code, Chapter 33, Post 9/11 Educational Assistance, and Department of Defense Instruction 1341.13, Post-9/11 GI Bill, May 31, 2013. There are no provisions in place within law and policy allowing members to transfer benefits to dependent(s) after retiring.”

## 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 but failed to complete the administrative requirements outlined in references (c) and (d). Although Petitioner did not complete the appropriate administrative requirements, the Board concluded that Petitioner’s duty assignments with limited Naval support staff most likely contributed to the administrative oversight in the failure to upload the page 13 to his OMPF in October 2010. Moreover, the Board determined Petitioner completed over 6 years of active duty service since he signed the page 13, thereby meeting the spirit and intent of reference (b). Therefore, the Board determined under these circumstances, 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 Page 13 on 5 October 2010 and submitted it to Commander, Navy Personnel Command for inclusion in the Petitioner’s OMPF.

Petitioner elected to transfer unused education benefits to [REDACTED], and [REDACTED] through the MilConnect TEB portal on 5 October 2010.

Commander, Navy Personnel Command (PERS-311) reviewed Petitioner’s TEB application, and it was approved on 5 October 2010 with a 4-year service obligation. Note: PERS-311 is directed to ensure Petitioner’s Benefits for Education Administrative Services Tool – Family Member History is updated with the aforementioned approved allocation of education benefits.

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

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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.

6/5/2025

