



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

██████████
Docket No. 12024-24
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.

A three-member panel of the Board, sitting in executive session, considered your application on 5 June 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.

On 2 August 2001, you signed a Montgomery GI Bill Act of 1984 (MGIB) Basic Enrollment form (DD Form 2366) and elected to enroll in the program.

On 22 November 2006, you married ██████████. Furthermore, you gained a stepchild ██████████ born in January 2001.

On 11 September 2007, you reenlisted for 6 years with an End of Active Obligated Service (EAOS) of 10 September 2013.

In accordance with 38 U.S. Code § 3319 - 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).

In accordance with NAVADMIN 187/09 published on 26 June 2009, the Post 9-11 GI Bill becomes effective 1 August 2009. this education assistance program offers sailors and their families a tax-free option to pay for college and should be considered as you plan your navy career and support your family's education needs. Sailors may elect to transfer all or a portion of their Entitlement to their dependents listed in the Defense Enrollment Eligibility Reporting System (DEERS) at the time of transfer. All or a Portion of the benefits may be transferred to spouse, one or more dependent children or a combination of up to 36 months of unused Benefits. Policy, process and application procedures will be further Delineated in a follow on NAVADMIN. Use of entitlement by family member...(2) Dependent child(ren) may use the entitlement after their Sponsor has completed 10 years in the armed forces (active duty/ Selected Reserve (SELRES)) and obligated for the additional four years of service. The Entitlement may not be used until a secondary diploma (or Equivalency Certificate) has been attained or they are 18 years of age. Dependents may continue to use the benefit after the sponsor separates from active duty after completing the required additional service. Entitlement may not be used after the dependent child(ren) has reached the age of 26 years.

In accordance with NAVADMIN 203/09 published on 11 July 2009, 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. 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. SELRES members who transfer to the Retired Reserve (with or without pay), transfer to the Individual Ready Reserve or who are discharged prior to 1 August 2009, are not eligible to elect transferability. Per ref b [DoD policy on Post 9-11 GI Bill], members of the armed forces who elect to transfer benefits: a. Must have served six years in the armed forces (active and/or SELRES) and agree to serve four additional years in the armed forces from the date of election; or, b. 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... While the member is in the armed forces, new dependents may be added, entitlements changed or unused entitlements revoked. These changes will be made by the member through the transferability of educational benefits (TEB) website (<https://www.dmdc.osd.mil/teb>). After retirement or separation from the armed forces, the veteran may modify or revoke transferred entitlement for existing designated dependents by submitting a request in writing to the DVA.

In accordance with BUPERSNOTE 1780 published on 7 April 2010, 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. Before a member can apply to transfer entitlement, the spouse and or children must be enrolled in the DEERS and be eligible for identification card benefits. For children, this means the child has not reached age 21 or has not reached age 23 and is enrolled fulltime 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 his or her 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 continuous years in the Armed Forces from the date the individual elects to transfer; or (2) Has served at least 10 years (active duty and or SELRES) on the date of election and either standard policy (Navy or DoD or statute does not allow the member to commit to 4 additional continuous years, but who agrees to serve the maximum amount of time allowed by such policy or statute. Administrative Requirements of Transferor...Active Duty Officers (including FTS, other than those in categories listed in paragraphs 13a(3) (c)-(e) above): The command will complete a NAVPERS 1070/613 in NSIPS ESR. The NAVPERS 1070/613 will read "I understand by signing this NAVPERS 1070/613, I agree to complete 4 more years in the Armed Forces (active or SELRES) 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 4-year obligation may lead to an overpayment by the DVA [Department of Veterans Affairs] that may be recouped for any payments made to dependents/family members." The NAVPERS 1070/613 will be signed by the member, witnessed and dated. Complete/submit electronic transfer election using the TEB Web application at <https://www.dmdc.osd.mil/milconnect>.

On 26 July 2013, you reenlisted for 6 years with an EAOS of 25 July 2019.

On 20 October 2016, you submitted TEB application and requested to allocate education benefits to ██████████/24 months. The Service rejected the application on 20 October 2016 indicating, "Disapproved SM [Service Member] has not committed to the required additional service time."

On 1 October 2020, you executed an agreement to extend enlistment for 19 months with a Soft EAOS of 25 February 2021. On 25 February 2021, you executed an agreement to extend enlistment for 6 months with an Soft EAOS of 25 August 2021.

You were 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 31 July 2001 to 31 July 2021 upon having sufficient service for retirement.

On 10 December 2024, your spouse notified the Board that "[t]his member submitted a TEB request 10/20/16, but it was rejected because he did not have 4 years remaining on his enlistment contract. I was 5 years from a retirement requiring a 2 year extension (3 plus 2 yields 5 years). I satisfied my more than 4 years prior to exit. Our son is on dialysis and is trying to retrain and this needs to be corrected asap so he can attend school in January."

You requested to establish eligibility to transfer Post-9/11 GI Bill education benefits to your eligible dependent child. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded on 11 September 2007, you reenlisted for 6 years. The ability to transfer Post-9/11 GI Bill education benefits to eligible dependents is a recruiting and retention tool that became effective 1 August 2009 in accordance with Title 38 U.S.C. § 3319. Pursuant to this law, NAVADMIN 187/09 released on 26 June 2009 and NAVADMIN 203/09 released on 11 July 2009 published Navy guidance implementing the transfer of Post 9/11 GI Bill education benefits. At that time, you had just over four years on contract and you were eligible to TEB. Subsequently, Bureau of

Naval Personnel Notice 1780 promulgated on 7 April 2010 with several policy updates prior to your retirement. These policies outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, the option to transfer a Service member's unused education benefits to an eligible dependent requires a 4-year additional service obligation *at the time of election*. Enlisted personnel are required to have sufficient time on contract to meet the additional service requirement prior to initiating their electronic transfer election and have 30-days to submit their transfer of education benefits (TEB) application following a 4-year reenlistment. Additionally, the policies indicate before a member can apply to transfer entitlement, the spouse and or children must be enrolled in the Defense Eligibility Enrollment System and be eligible for identification 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 institution of higher learning. On 26 July 2013 you reenlisted for 6 years. On 20 October 2016, you submitted a TEB application with less than 4 years remaining on contract. The Service rejected your TEB application because you had not committed to the required additional service time. Subsequently, you extended your 26 July 2013 reenlistment for an aggregate of 25 months. On 31 July 2021, you voluntarily transferred to the Fleet Reserve with 20 years of active duty service.

The Board determined you had several opportunities to TEB during your 11 September 2007 and 26 July 2013 reenlistments. However, you submitted your application with 2 years, 9 months, and 5 days remaining on contract, rendering you ineligible to TEB. Therefore, the Board determined a change to your record is not warranted.

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,

6/13/2025

