



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

[REDACTED]
Docket No. 12392-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S. Code § 3319
(c) BUPERSNOTE 1780, 7 Apr 10
(d) NAVADMIN 236/18, 24 Sep 18

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 that Petitioner transferred Post-9/11 GI Bill education benefits to his eligible dependents effective 19 September 2019.
2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 17 July 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 12 May 2004, Petitioner was issued an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) with a designator code of 1970 in the active U.S. Naval Reserve listing block 13 (Permanent grade) ENS, block 14 (Permanent grade date) 12 May 2004, block 15 (Present Grade) ENS, and block 16 (Present grade date) 12 May 2004. Petitioner/witness signed this form on 28 May 2004 (U.S. Naval Academy).
 - b. On 28 May 2004, Petitioner signed a Montgomery GI Bill Act of 1984 (MGIB) (DD Form 2366) certifying that "I am NOT eligible for the MGIB because (a) I am a service academy graduate, or (b) I am an ROTC scholarship graduate who received more than the current minimum amount allowed for enrollment in MGIB, or (c) I am a prior service member who disenrolled during my previous term of active duty."
 - c. In September 2007, Petitioner married [REDACTED].

d. On 3 August 2010, Petitioner was issued an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) with a designator code of 1970 in the active U.S. Navy listing block 13 (Permanent grade) ENS, block 14 (Permanent grade date) 26 July 2010, block 15 (Present Grade) ENS, and block 16 (Present grade date) 26 July 2010. Petitioner/witness signed this form on 4 August 2010 (Uniformed Service University of the Health Sciences).

e. In July 2013, Petitioner's dependent child [REDACTED] was born.

f. On 13 February 2014, Petitioner was issued an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) with a designator code of 2100 in the active U.S. Navy listing block 13 (Permanent grade) LT, block 14 (Permanent grade date) 14 April 2011, block 15 (Present Grade) LT, and block 16 (Present grade date) 14 April 2011. Petitioner/witness signed this form on 17 April 2011 (Uniformed Service University of the Health Sciences).

g. In April 2016, Petitioner dependent child [REDACTED] was born.

h. On 7 February 2017, [REDACTED] issued Petitioner an Administrative Remarks (NAVPERS 1070/613) listing the following: "I understand by signing this PG 13, I agree to complete four more years in the armed forces from the date I request transferability of Post 9-11 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 Veterans Affairs that may be recouped for any payments made to my dependents/family members." Furthermore, it was verified on 27 March 2017.

i. In June 2019, Petitioner's dependent child [REDACTED] was born.

j. Petitioner submitted TEB applications on 19 September 2019 and 3 March 2020, The Service rejected both applications on 20 September 2019 and 4 March 2020 respectively, indicating, "Disapproved-SM [Service Member] has not committed to the required additional service time." There is no record of Petitioner completing the required Statement of Understanding (SOU) prior to submitting either TEB application.

k. On 17 December 2024, Petitioner completed the required TEB SOU and submitted his final TEB application. The Service approved the application with an obligation end date of 16 December 2028.

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 on 7 February 2017, [REDACTED] issued Petitioner a NAVPERS 1070/613 with Petitioner agreeing to complete four more years in the armed forces from the date he requests transferability of Post 9-11 education benefits to his dependents/family members. Although Petitioner met the basic eligibility criteria to TEB, he failed to complete the administrative requirements listed in reference (c). In accordance with reference (d), the administrative requirements changed on 1 October 2018, requiring an SOU vice NAVPERS 1070/613 prior to submitting a TEB application. The Board determined that although the proper administrative requirements were not completed as specified in reference (d), Petitioner continues to serve on active duty and has completed over 5 years of service

since submitting his initial TEB application on 19 September 2019, thereby meeting the spirit and intent of reference (b).¹ Therefore, the Board determined under this circumstance, 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 SOU on 19 September 2019 and submitted it to Commander, Navy Personnel Command for inclusion in the Petitioner's Official Military Personnel File.

Petitioner elected to transfer unused education benefits to [REDACTED]/12 months, [REDACTED]/12 months, and [REDACTED]/12 months through the MilConnect TEB portal on 19 September 2019.

Commander, Navy Personnel Command (PERS-311) reviewed Petitioner's TEB application, and it was approved on 19 September 2019 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.

8/4/2025



¹ 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).