



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

[REDACTED]  
Docket No. 632-25  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN RET,  
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552  
(b) Title 38 U.S.C. Chp 33  
(c) BUPERSNOTE 1780  
(d) NAVADMIN 020/19  
(e) MILPERSMAN 1160-120

Encl: (1) DD Form 149 w/attachment  
(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 establish eligibility to transfer Post-911 GI Bill education benefits to his eligible dependents.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 12 June 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. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. The Post-911 Veterans Educational Assistance Act (Post-911 GI Bill, Public Law 110-252) was signed into law on 30 June 2008 and became effective 1 August 2009. The bill provides financial support for education and housing for service members with at least 90 days of service on or after 11 September 2001. The act also includes provision for qualifying service members to transfer education benefits to their eligible dependents. General descriptions of the essential components of the law were widely available beginning in summer 2008, but specific implementing guidance was not published until summer 2009.

b. In accordance with reference (c), the option to transfer a Service member's unused education benefits to an eligible dependent required a 4-year additional service obligation at the

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN RET,  
[REDACTED]

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. Additionally, there were provisions in the policy that indicated if a member with at least 10 years of service was prohibited from completing their service obligation as a result of Navy or Department of Defense policy, or federal statute, the obligation would be adjusted to the maximum amount of time allowed by that policy or statute. Reference (d) announced the ability to transfer education benefits (TEB) under the 10 year provision would discontinue on 11 July 2019 and warned enlisted Sailors within 4 years of high year tenure (HYT) of the requirement to have a hard or soft end of active obligated service (EAOS)/end of service reflected in the Navy Standard Integrated Personnel System electronic service record (ESR) that coincided with the month and year of their HYT before applying for TEB.

c. Reference (e) indicates the HYT gate for E-7 Sailors is 24 years length of service from the active duty service date.

d. In July 1999, Petitioner married [REDACTED].

e. On 20 July 1999, Petitioner entered active duty.

f. Petitioner had three children: [REDACTED] born in January 2000; [REDACTED] born in June 2002; and [REDACTED] born in July 2006.

g. On 30 January 2012, Petitioner reenlisted for 6 years.

h. On 1 December 2016, Petitioner's fourth child, [REDACTED] was born.

i. On 5 January 2017, Petitioner submitted TEB application with less than 4 years remaining on contract and requested to allocate education benefits to [REDACTED]/5 months, [REDACTED]/5 months, [REDACTED]/5 months and [REDACTED]/5 months. On 9 January 2024, the Service rejected the application indicating "Disapproved – SM [Service Member] has not committed to the required additional service time."

j. On 16 February 2017, Petitioner advanced to Master-At-Arms Chief Petty Officer/E-7.

k. On 21 December 2017, Petitioner reenlisted for 2 years and subsequently extended for 20 months; EAOS 20 August 2021.

l. On 8 April 2019, Petitioner's daughter, [REDACTED] dependency status was terminated due to marriage.

m. On 25 June 2019, Petitioner submitted TEB application with less than 4 years remaining on contract and requested to allocate education benefits to [REDACTED]/5 months, [REDACTED]/21 months, [REDACTED]/5 months and [REDACTED]/5 months. On 26 June 2019, the Service approved the application with an obligation end date of 24 June 2023.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN RET,  
[REDACTED]

n. On 19 May 2021, Petitioner signed "GI Bill Retirement Eligible" NAVPERS 1070/613, Administrative Remarks (Page 13) issued by [REDACTED] "Service member was placed on a Medical Review Board (MEB) for service connected disabilities which has affected his ability for continued service in the United States Navy. Service member has been found fit for retirement purposes due to being over the retirement age of twenty years of service. Service member will remain eligible for transfer of education benefits entitlement for dependents." The Page 13 was witnessed and uploaded to Petitioner's ESR but was not verified.

o. On 31 July 2021, Petitioner transferred to the Fleet Reserve with 22 years and 11 days of active duty service and Separation Designator of "NBD" - Sufficient Service for Retirement.

p. On 26 September 2024, Petitioner changed the allocation months of education benefits to reflect: [REDACTED]/1 months, [REDACTED]/2 months, [REDACTED]/15 months and [REDACTED]/2 months.

q. On 11 June 2025, Navy Personnel Command (PERS-311) confirmed Petitioner was approved to TEB in accordance with reference (d). At the time of approval, Petitioner could have competed four more years before reaching HYT; however, he transferred to the Fleet Reserve without completing his TEB service obligation.

r. The Benefits for Education Administrative Services Tool (BEAST) Education Summary reflects that Petitioner had 29 months of Post 9/11 GI Bill – Chapter 33 benefits and used 9 months of the benefits with the last payment on 24 February 2023.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. Petitioner was approved to transfer Post-9/11 GI Bill education benefits; however, he transferred to the Fleet Reserve before completing his TEB service obligation. Although Petitioner did not complete the appropriate administrative requirements, the Board concluded that had he received adequate counseling, he could have transferred unused education benefits to eligible dependents upon reenlisting on 30 January 2012. The Board determined Petitioner completed over 9 years of active duty service subsequent to reenlisting on 30 January 2012, 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 elected to transfer unused education benefits to [REDACTED]/1-month, [REDACTED]/2 months, and [REDACTED]/15 months through the MilConnect TEB portal on 30 January 2012. Note: Petitioner allocated education benefits to [REDACTED]/2-months prior to transferring to the Fleet Reserve effective 1 August 2021.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN RET,  
[REDACTED]

Commander, Navy Personnel Command (PERS-314) reviewed Petitioner's TEB application, and it was approved on 30 January 2012 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.

7/7/2025

