



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

██████████  
Docket No. 1261-25  
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 26 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.

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.

You requested a waiver of the transfer of education benefits (TEB) service obligation. The Board, in its review of your entire record and your application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded 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, Navy Administrative messages were published implementing the program, followed by promulgation of Bureau of Naval Personnel Notice (BUPERSNOTE) 1780 on 7 April 2010. These policies outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents prior to separation. Specifically, BUPERSNOTE 1780 stipulated the ability to TEB required a 4-year additional service obligation at the time of election. The policy further indicated in order to retain Post-9/11 GI Bill entitlement, after meeting the service requirements, an individual must be honorably

discharged from the Armed Forces (if less than honorable discharged is received, a discharge prior to immediate reenlist will suffice, but the period after reenlistment will not be creditable for Post-9/11 GI Bill purposes). Additionally, the transferor may modify (add new dependents while in the Armed Forces, change entitlement for existing dependents or revoke entitlement).

A review of your record indicates that you submitted a TEB application on 17 June 2010 and requested to allocate 36-months of education benefits to your former spouse. When submitting an application via the MilConnect TEB portal, all service members must acknowledge a series of requirements before proceeding with their application. Included in these requirements is agreeing to remain in the Armed Forces for the period required and understanding that failure to complete that service may lead to an overpayment by the Department of Veterans Affairs for any payment made. On 18 June 2010, your TEB application was approved with an obligation end date of 25 August 2010 that aligned with your end of active obligated service. However, you were discharged on 22 June 2010, with a General (Under Honorable Conditions) due to your Misconduct (Serious Offense). Your former spouse used 34 of the 36 months of education benefits that you allocated to her with the last payment on 23 September 2013. Thereafter, you divorced on 6 May 2014. The Board determined the indebtedness is appropriate due to your misconduct that led to your discharge prior to completing the additional service obligation, therefore a change to your record is not warranted.

Information on qualification of additional entitlement under the Rudisill decision can be located on the Department of Veterans Affairs website: <https://www.va.gov/education/about-gi-bill-benefits/post-9-11/>. Additional questions regarding you eligibility should also be directed to the Department of Veterans Affairs at (800) 698-2411 as they are responsible for determining eligibility for education benefits.

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,

7/21/2025

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Deputy Director

Signed by: █