



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED] Docket No. 4691-25

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

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 establish eligibility to transfer 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 4 September 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 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. Additionally, failure to complete the service obligation will result in forfeiture of the transferred entitlement.

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[REDACTED]

Any amount of the transferred entitlement used by the transferee as of the date of such failure shall be treated as an overpayment of education assistance and will be subject to collection by the Department of Veterans Affairs.

- c. On 16 March 1998, Petitioner entered active duty.
- d. On 23 August 2005, Petitioner married spouse [REDACTED] and they had two children: [REDACTED] born on [REDACTED] and [REDACTED] born on [REDACTED].
- e. On 22 March 2012, Petitioner reenlisted for 5 years and thereafter, reenlisted on 10 December 2014 for 4 years.
- f. On 15 December 2014, Petitioner submitted TEB application and requested to allocated education benefits to [REDACTED]. The Service approved the application with an obligation end date of 9 December 2018.
- g. On 30 November 2018, Petitioner transferred to the Fleet Reserve.
- h. On 12 May 2023, Petitioner's daughter [REDACTED] was issued notification of denied claim for Post-9/11 GI Bill stating, "the Navy hasn't indicated that your spouse or parent have been approved for the transferability program."

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 22 March 2012. The Board determined Petitioner completed over 6 years of active duty service subsequent to reenlisting on 22 March 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] [REDACTED] through the MilConnect TEB portal on 22 March 2012.

Commander, Navy Personnel Command (PERS-311) reviewed Petitioner's TEB application, and it was approved on 22 March 2012 with a 4-year service obligation.

A copy of this report of proceedings will be filed in Petitioner's naval record.

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[REDACTED]

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.

11/18/2025

