



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

c. On 12 July 2003, Petitioner got married [REDACTED]. On 4 March 2008, Petitioner's dependent child [REDACTED] was born.

d. Petitioner resigned with an Honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 7 August 1995 to 31 December 2008 due to non-selection, permanent promotion.

e. On 18 March 2009, Petitioner was issued an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) in the inactive U.S. Naval Reserve as a Lieutenant Commander with a present grade date of 1 September 2002 with a designator code of 2505. Furthermore, Petitioner/witnessed signed the oath of office on 1 January 2009.

f. In accordance with reference (b), 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).

g. In accordance with reference (c), Transfer of Post-9/11 GI Bill Entitlement. To promote recruitment and retention of members of the Armed Forces, the Secretary of Defense/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 Defense Eligibility Enrollment System (DEERS) and be eligible for ID 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 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 their 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 years in the Armed Forces from the date of election; or (2) Has served at least 10 years (active duty and/or SELRES) on the date of election and either standard policy (Navy or Department of Defense) or statute preclude the member from committing to 4 additional years, but they agree to serve the maximum amount of time allowed by such policy of statute; or...

(2) Ensure the required, additional Armed Forces service obligation (see paragraphs 13a(1), (2), and (3) (c)-(f)J is reflected in the Electronic Service Record (ESR) prior to making election to transfer Post-9/11 GI Bill entitlement. Applications from members whose ESR does not reflect the required additional service obligation will be disapproved. The member will then be required to reapply for transferability, and their additional service obligation will be calculated from the date their reapplication is approved...

(b) SELRES Officers and Enlisted: All SELRES members are required to have a NAVPERS 1070/613 Administrative Remarks page prepared by their command in the Navy Standard

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Integrated Personnel System (NSIPS) ESR agreeing to serve the required additional years of service. See paragraph 13b(2) (c) below for required statement for NAVPERS 1070/613. The NAVPERS 1070/613 will be signed by the member, witnessed and dated...

h. Petitioner submitted TEB application on 18 September 2013. The Service rejected the applications on 19 September 2013, indicating, Disapproved – SM [Service Member] has not committed to the required additional service time. Petitioner’s ESR does not reflect the required NAVPERS 1070/613, Administrative Remarks.

i. On 30 August 2017, Commander, Navy Personnel Command (PERS-912) notified Petitioner that “[y]ou have completed all requirements to receive retired pay at or after age 60 under the provision of 10 U.S.C. Chapter 1223 and BUPERSINST 1001.39F. Eligibility may not be denied or revoked unless it resulted directly from fraud or misrepresentation on your part. The number of years of creditable service and the amount of retired pay, however, may be adjusted for errors. Statement of Service for Navy Reserve Retirement is used to document your initial eligibility. An updated Statement of Service for Navy Reserve Retirement will be provided upon your retirement or discharge.”

j. Petitioner was released from active duty for special work (ADSW) with an Honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 14 August 2019 to 31 July 2022 upon completion of required active service.

k. On 6 March 2023, Commander, Navy Personnel Command (PERS-9) notified Petitioner that per 10 U.S.C. § 10154 and 10 U.S.C. § 12774(a), the Secretary of the Navy approved and authorized your request to transfer to Retired Reserve status effective 1 March 2023...

Navy Personnel Command records indicate that you may be eligible to receive retirement pay prior to your 60th birthday. Notification to submit your application for retired pay will be forwarded to you approximately 10 months prior to the estimated date of eligibility. Upon your submission of application per the guidelines of BUPERSINST 1001.39F and 10 U.S.C. Chapter 1223, your retired pay benefits will be initiated in accordance with National Defense Authorization Act FY 2008. Although your pay entitlement is prior to age 60, your medical benefits will commence at age 60.

## 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 Petitioner met the basic eligibility criteria to transfer Post-9/11 GI Bill education benefits but failed to complete the administrative requirements outlined in reference (c). Although Petitioner did not complete the appropriate administrative requirements, the Board surmised that had he received adequate counseling, he would have completed the required NAVPERS 1070/613, Administrative Remarks prior to submitting his TEB application on 18 September 2013. Moreover, Petitioner completed over 4 years of Selected Reserve service after submitting his TEB application on

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18 September 2013, thereby meeting the spirit and intent of reference (b). Therefore, the Board determined that under these circumstances, 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 NAVPERS 1070/613, Administrative Remarks on 18 September 2013 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]/36 months, through the MilConnect TEB portal on 18 September 2013.

Commander, Navy Reserve Forces Command (N1C2) reviewed Petitioner's TEB application and it was approved on 18 September 2013 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.

1/27/2026

