



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

[REDACTED] t No. 5277-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[REDACTED], USN, XXX-XX-[REDACTED]

Ref: (a) 10 U.S.C. § 1552
(b) 38 U.S.C. § 3319
(c) Directive-Type Memorandum (DTM) 09-003: Post-9/11 GI Bill, 22 June 2009
(d) DODI 1341.13, Post-9/11 GI Bill, 31 May 2023
(e) MILPERSMAN 1780-011, subj: Transfer of Education Benefits, 17 May 2022
(f) SECNAVINST 5420.193, Board for Correction of Naval Records, 19 November 1997

Encl: (1) DD Form 149, signed 15 May 2025
(2) DD Form 214
(3) DMDC Department of Defense Person Search, 29 September 2025
(4) NAVPERS 1000/4, Officer Appointment Acceptance and Oath of Office, 6 February 2009
(5) NAVADMIN 203/09, subj: Post 9-11 GI Bill, REAP, and MGIB-SR Transferability Policy and Interim Provisions for Retirement Eligible Members, dtg 110033Z JUL 09
(6) NAVADMIN 236/18, subj: Post-9/11 GI Bill Updates Part 2, dtg 241332Z SEP 18
(7) Benefits for Education Administrative Services Tool, accessed 25 September 2025
(8) PERS-311 E-mail, subj: CUI – RE: TEB Statements of Understanding (...), sent Wednesday, December 17, 2025 @ 2:13:41PM

1. Pursuant to the provisions of reference (a), the Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records, hereinafter referred to as the Board, requesting that his naval record be corrected as necessary to establish his eligibility to transfer his Post-9/11 GI Bill education benefits to his eligible dependent son.¹

2. A three-member panel of the Board convened in executive session on 18 December 2025 to review Petitioner's allegations of error or injustice pursuant to its governing policies and procedures and determined by a majority vote that the corrective action recommended in paragraph 6a below should be taken upon Petitioner's naval record. Documentary material

¹ Petitioner specifically requested "the ability to Transfer Education Benefits (TEB) specifically the Post 9/11 GI bill to [his] son, [REDACTED], without incurring an additional 4 years of service which will require my total active duty service time to exceed 30 years." While it is not possible to permit Petitioner to transfer his post-9/11 GI bill absent a commitment to serve for an additional four years, it is possible to correct his record to reflect that he made a timely request and committed to such additional service for that purpose at a previous date during his career.

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considered by the Board included the enclosures; relevant portions of Petitioner's naval record; and applicable statutes, regulations, and policies.

3. Factual Background. Following are the relevant facts of Petitioner's case based upon review of his naval record and/or the matters submitted for the Board's consideration:

a. Petitioner enlisted in the Navy and commenced a period of active duty service on 13 July 1999. See enclosure (2).

b. Petitioner was married to [REDACTED] on 25 June 2005. See enclosure (3).

c. [REDACTED] was born to Petitioner and [REDACTED] on 27 November 2007. See enclosure (3).

d. Reference (b) (i.e., the "Post-9/11 GI Bill") was passed on 30 June 2008, creating the authority for Service members meeting certain criteria to transfer the education benefits provided by this bill to eligible dependents subject to regulations published by the Secretary of Defense.

e. On 6 February 2009, Petitioner was appointed as an officer in the Navy upon completing Officer Candidate School. See enclosure (4).

f. Reference (c) was published on 22 June 2009 to implement the Post-9/11 GI Bill.² It provided that the Secretary of the Navy could permit eligible individuals entitled to educational assistance under the Post-9/11 GI Bill to elect to transfer to one or more family members specified,³ all or a portion of such individual entitlement to such assistance. Eligible individuals included "[a]ny member of the Armed Forces on or after August 1, 2009 who, at the time of the approval of the individual's request to transfer entitlement to educational assistance, is eligible for the Post-9/11 GI Bill," and who met one of the following criteria:

(1) Has at least six years of service in the Armed Forces as of the date of the election to transfer the education benefits and agrees to serve four additional years;

(2) Has at least 10 years of service in the Armed Forces as of the date of the election, is precluded by either policy or statute from committing to four additional years, and agrees to serve for the maximum amount of time allowed by such policy or statute; or

(3) Is or becomes retirement eligible during the period from 1 August 2009 through 1 August 2013, and agrees to serve the additional time specified based upon the individual's retirement eligibility date.⁴

² Reference (c) was superceded by and incorporated into reference (d) on 31 May 2013.

³ Eligible family members were dined as the individual's spouse; one or more of the individual's children; or a combination of the spouse and children. The family member must have been enrolled in the Defense Eligibility Enrollment Reporting System (DEERS) and be eligible for benefits at the time of transfer to receive transferred benefits.

⁴ For those individuals eligible for retirement on 1 August 2009, or with an approved retirement date between 2 August 2009 and 30 June 2010, no additional service was required. For those individuals eligible for retirement after 1 August 2009 but before 1 August 2010, one additional year of service was required to establish eligibility to transfer education benefits. For those individuals eligible for retirement on or after 1 August 2010 but before 1

g. On 11 July 2009, the Navy implemented the transfer of post-9/11 education benefits policy referenced in paragraph 3f above with the publication of NAVADMIN 203/99. Specifically, NAVADMIN 203/99 reiterated the eligibility requirements described in paragraph 3f above and established the procedures by which such transfer requests were to be made. Specifically, NAVADMIN 203/99 required officers to complete a NAVPERS 1070/613 ("Page 13") in the Navy Standard Integrated Personnel System agreeing to serve the required additional years of service.⁵ See enclosure (5).

h. On 24 September 2018, the Navy updated the process for individuals to request authority to transfer their post-9/11 GI Bill education benefits to eligible dependents. Specifically, the requirement to submit the NAVPERS 1070/613 referenced in paragraph 3g above was replaced with an online, self-service Statement of Understanding (SOU). See enclosure (6).

i. On 22 May 2022, the Navy published reference (e) to define responsibilities, eligibility requirements, and procedures for the transfer of post-9/11 GI Bill education benefits. Reference (e) essentially reiterated the procedural and eligibility requirements discussed above, including that the requester must agree to serve at least four additional years from the date the individual is approved to transfer, that the member must complete the online, self-service SOU referenced in paragraph 3h above prior to submitting a request to transfer his education benefits, and that officers "must ensure that they are able to obligate an additional four years of service at their current paygrade prior to requesting [transfer of education benefits]."

j. Review of the Navy's Benefits for Education Administrative Services Tool and Navy Personnel Command (PERS-311) confirm that Petitioner has never submitted a request to transfer his post-9/11 GI Bill education benefits to his eligible dependents. See enclosure

4. Petitioner's Application. Petitioner submitted a DD Form 149 to the Board in May 2025 requesting the corrective action discussed in paragraph 1 above. Specifically, he asserted that he only recently became aware of the requirement and process to request transfer of his post-9/11 education benefits and of the requirement that he agree to serve for four additional years, but that he can now not transfer his benefits without exceeding 30 years of active service. See enclosure (1).

5. Conclusions.⁶

a. Before applying to the Board, Petitioner exhausted all administrative remedies available under existing law and regulations with the Department of the Navy (DON).

August 2011, two additional years of service was required. For those individual eligible for retirement on or after 1 August 2011 but before 1 August 2012, three additional years of service was required.

⁵ The NAVPERS 1070/613 was required to include the following language: "I understand by signing this page 13, I agree to complete four more years in the Armed Forces (active or selected reserve) 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 Veteran's Affairs that may be recouped for any payments made to dependents/family members."

⁶ Except as discussed in paragraph 5c below, the Board's conclusions were unanimous.

b. The Board found no error in the Navy's determination that Petitioner is not eligible to transfer his post-9/11 GI Bill education benefits to his eligible dependents if he is no longer retainable for four more years.⁷ All of the statutory and regulatory guidance regarding the authority to transfer post-9/11 GI Bill education benefits published since it was enacted has required members to commit to a period of additional service in order to transfer those benefits. Petitioner has had more than 16 years since the procedures to transfer post-9/11 GI Bill education benefits were implemented within the DON, but he has failed to do so. Accordingly, there is no error in his current inability to transfer those benefits to his otherwise eligible beneficiaries.

c. While unanimously finding no error in Petitioner's inability to transfer his post-9/11 GI Bill education benefits to his otherwise eligible dependents absent his commitment to four additional years of service, the Board could not reach a consensus regarding whether his inability to do so constitutes an injustice warranting corrective action given the totality of the circumstances.

(1) *Majority Conclusion.* The Majority of the Board found that Petitioner's inability to transfer his post-9/11 GI Bill education benefits to his son constitutes an injustice warranting corrective action. Specifically, the Majority noted that Petitioner had over 26 years of honorable service as of the date that it convened. As such, he certainly met the intent of allowing members to transfer their education benefits to eligible beneficiaries through his long and faithful service. The Majority also believed that Petitioner certainly would have made the request in a timely manner if he had known of the requirement, since his continuing service evidenced his willingness to commit to such service. Finally, the Majority believed that it would be an injustice to deprive Petitioner's son of the ability to enjoy the education benefits that Petitioner has earned due solely to Petitioner's ignorance of the administrative requirements for him to do so.

(2) *Minority Conclusion.* The Minority of the Board found insufficient evidence of any injustice in Petitioner's inability to transfer his post-9/11 GI Bill education benefits to his eligible dependents. While it is unfortunately that Petitioner's inaction may deprive his son of the ability to enjoy the benefits that Petitioner earned, the requirement to make the request and to commit to a certain number of years of additional service in order to transfer those benefits has been well publicized and is known throughout the fleet. The Minority found it highly unlikely that Petitioner, a commissioned officer with many years of experience, could have been ignorant of this requirement. The Minority also believed that to grant Petitioner relief on this basis would essentially negate the statutory and regulatory requirements for members to commit to additional years of service in order to transfer their education benefits, and would be unfair to the thousands of other Service members who had to make and fulfill such commitments in order to do so. Finally, the Minority was unaware of any limitation upon Petitioner's ability to currently commit to four additional years of service in order to transfer his education benefits. He had less than 26

⁷ In this regard, the Board accepts as true Petitioner's claim made on his DD Form 149 that PERS-311 informed him that he would not be eligible to transfer his education benefits if he was not retainable for four more years.

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years of active service as of the date that he applied to the Board, and the Minority was unaware of any authority preventing him from committing to serve for over 30 years.⁸

6. Recommendations.

a. *Majority Recommendations.* Based upon its conclusions as discussed in paragraph 5 above, the Majority of the Board recommends that the following corrective action be taken upon Petitioner's naval record:

(1) That Petitioner's record be corrected as necessary to reflect that he, in coordination with his command, made a timely and administratively complete request to transfer 100 percent of his unused post-9/11 GI Bill education benefits to his son [REDACTED] on or about 1 August 2009 in accordance with the process established in NAVADMIN 203/99. This correction shall include his submission of a signed NAVPERS 1070/613 (Administrative Remarks) with the language described in footnote 1 above to Commander, Navy Personnel Command (NPC) for inclusion in his Official Personnel Record.

(2) That the NPC Commander (PERS-311) reviewed and approved Petitioner's request to transfer his post-9/11 GI Bill education benefits to [REDACTED] referenced in paragraph 6a(1) above with a four-year service obligation, and that that service obligation was satisfied by Petitioner's subsequent four years of service.

(3) That a copy of this record of proceedings be filed in Petitioner's naval record.

b. *Minority Recommendation.* Based upon its conclusions as discussed in paragraph 5 above, the Minority of the Board recommends that no corrective action be taken upon Petitioner's naval record.

7. 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.

8. The foregoing action of the Board is submitted for your review and action in accordance with Section 6e(1)(b) of Enclosure (1) to reference (f).

2/27/2026

[REDACTED]

⁸ The mandatory retirements dates (MRD) established by law for officers based upon years of service apply to active commissioned service, rather than total active service, and Petitioner has been commissioned for less than 17 years. Additionally, Petitioner is not approaching any MRD established by law for age.

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ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS) DECISION:

- X MAJORITY Recommendation Approved (Grant Relief – I concur with the Majority conclusion and therefore direct the corrective action recommended in paragraph 6a above.)
- MINORITY Recommendation Approved (Deny Relief – I concur with the Minority conclusion and therefore direct that no corrective action be taken upon Petitioner’s naval record.)

