



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

██████████
Docket No. 5547-25

Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USNR RET,
XXX-XX-██████████

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S. Code § 3319
(c) BUPERSNOTE 1780, 14 Sep 15
(d) MILPERSMAN 1160-120, 8 May 18
(e) NAVADMIN 236/18, 24 Sep 18

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 show Petitioner transferred Post-9/11 GI Bill education benefits (TEB) to his eligible dependent daughter.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 15 January 2026 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

- a. On 27 August 1998, Petitioner entered active duty.
- b. In December 2001, Petitioner married ██████████.
- c. On 13 March 2006, Petitioner reenlisted for 3 years with an End of Active Obligated Service (EAOS) of 12 March 2009 and Soft EAOS of 12 April 2010.
- d. In June 2006, Petitioner's dependent child ██████████ was born.

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e. On 1 February 2010, Petitioner reenlisted for 2 years with an EAOS of 31 January 2012.

f. Petitioner was released from active duty and transferred to USCG Reserve 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 27 August 1998 to 31 January 2012 upon completion of required active service. Furthermore, block 2 (Department, Component and Branch) listed Navy-USN, and block 18 (Remarks) listed "...Separation Payment \$48,507.69..."

g. On 28 July 2012, Petitioner reenlisted for 6 years with a new contract expiration date of 27 July 2018.

h. Petitioner was released from active duty and transferred to the Naval Reserve with an honorable character of service and was issued a DD Form 214 for the period of 27 December 2013 to 31 January 2015 upon completion of required active service. Furthermore, block 2 (Department, Component and Branch) listed Navy-USNR, and block 18 (Remarks) listed "...Mobilized in Support of [REDACTED], Sec 12302, Title 10 USC..."

i. Petitioner submitted two TEB applications (21 March 2016 and 4 August 2017), both of which were rejected by the Service for SM has not committed to the required additional service time or SM needs to contact Service Representative to resolve status.

j. Petitioner was released from active duty and transferred to the Naval Reserve with an honorable character of service and was issued a DD Form 214 for the period of 25 September 2015 to 13 September 2017 upon completion of required active service. Furthermore, block 2 (Department, Component and Branch) listed Navy-USNR, and block 18 (Remarks) listed "...Subject to Active Duty Recall/Annual Screening..."

k. On 22 July 2019, 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."

l. On 9 July 2018, Petitioner reenlisted for 2 years with a new contract expiration date of 8 July 2020.

m. Petitioner submitted five additional TEB applications (6 May 2019, 10 July 2019, 31 October 2019, 21 February 2020, and 30 April 2020), both of which were rejected by the Service for SM has not committed to the required additional service time or SM needs to contact Service Representative to resolve status.

n. On 25 June 2020, Commander, Navy Personnel Command (PERS-9) notified Petitioner that "10 U.S.C. § 10154 and 10 U.S.C. § 12774(a), the Chief of Navy Personnel approved your

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request and authorized your transfer to Retired Reserve status effective 1 July 2020...” “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 forward 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.”

o. On 15 May 2025, Petitioner’s child was issued letter of acceptance to the Asian Studies program at [REDACTED].

p. On 19 May 2025, Commander, Navy Reserve Forces Command responded to Petitioner’s request for assistance and indicated, “[a]fter reviewing your record, you did not have an approve request for this to apply to your situation. The reference that you quoted, DoDI 1341.13, Section 3.3.h(2) states the Service member will be considered to have completed their previously approved TEB-related service upon:”

q. The Benefits for Education Administrative Services Tool (BEAST) Education Summary reflects that Petitioner used 17 months of education benefits; last payment was 26 September 2025.

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 met the basic eligibility criteria to transfer Post-9/11 GI Bill education benefits but failed to complete the administrative requirements outlined in references (c) and (e). Although Petitioner did not complete the appropriate administrative requirements, the Board surmised that had he received adequate counseling, he would have been able to TEB at the time of his 28 July 2012 enlistment and completed the 4-year obligation before transferring to the Retired Reserve, 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 Statement of Understanding on 28 July 2012 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] /19 months, through the MilConnect TEB portal on 28 July 2012.

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Commander, Navy Reserve Forces Command (NIC2) reviewed Petitioner's TEB application and it was approved on 28 July 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.

1/28/2026

