



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

██████████
Docket No. 8094-25
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

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

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S.C. Chp 33
(c) BUPERSNOTE 1780
(d) MILPERSMAN 1780-011
(e) BUPERSINST 1001.39F

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 ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 2 April 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. 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-9/11 Veterans Educational Assistance Act (Post-9/11 GI Bill, Public Law 110-252) was signed into law on 30 June 2008 and became effective on 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.

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b. In accordance with reference (c), the option to transfer a Service member's unused education benefits to an eligible dependent required a 4-year additional service obligation at the time of election. Additionally, all enlisted Selected Reserve (SELRES) were required to have a NAVPERS 1070/613, Administrative Remarks, prepared by their command in the Navy Standard Integrated Personnel System Electronic Service Record, agreeing to serve the required additional years of service prior to initiating their electronic transfer election. Furthermore, the policy directed members to periodically check the status of their application; a denied transfer of education benefits (TEB) application required member to take corrective action and reapply with a new service obligation end date.

c. Reference (d) specified the option to transfer unused education benefits to dependents requires the member to be eligible per all statutes, Department of Defense, and Service policies, to be retained four additional continuous years in the uniformed services, and agree to serve at least four additional years from the date the individual is approve to TEB. Effective 1 October 2018, enlisted SELRES are required to complete the online, self-service TEB Statement of Understanding (SOU) in lieu of the NAVPER 1070/613, Administrative Remarks and have sufficient time on contract to meet the additional service requirement prior to initiating their electronic transfer election, but no more than 30 calendar days following execution of a 4-year reenlistment. Additionally, the policy directs members to periodically check the status of their application; a denied TEB application requires members to take corrective action and reapply with a new service obligation end date.

d. Reference (e) indicates that enlisted members of the Navy Reserve are not eligible for retention in an active status after attaining 60 years of age unless in receipt of an age waiver.

e. On 25 March 2000, Petitioner married spouse, [REDACTED] and had one child, [REDACTED] born on 17 July 2000.

f. Petitioner's pay entry base date is 26 February 2001.

g. Petitioner mobilized in support of [REDACTED] from 17 November 2006 to 16 November 2008 and thereafter transferred to the Navy Reserve in a SELRES status.

h. On 20 February 2009, Petitioner reenlisted for 6 years.

i. On 15 January 2010, Petitioner's second child, [REDACTED] and third child, [REDACTED] were born.

j. On 19 September 2014, Petitioner mobilized in support of [REDACTED].

k. On 11 September 2016, Petitioner reenlisted for 6 years.

l. On 6 October 2016, Petitioner submitted a TEB application without completing the required NAVPERS 1070/613, Administrative Remark. On 7 October 2016, the Service rejected

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the application indicating, “Disapproved – SM [Service Member] needs to contact Service Representative to resolve status.”

m. On 30 November 2016, Petitioner demobilized and transferred to the Navy Reserve in a SELRES status.

n. On 7 September 2022, Petitioner reenlisted for 2 years.

o. On 22 January 2023, Petitioner reenlisted for 4 years and certified his retainability under all statutes and Navy policies by signing “Additional Service Obligation for Transfer of Post 911 G.I. Bill Benefits” NAVPERS 1070/613, Administrative Remarks.

p. On 24 January 2023, Petitioner completed the required SOU and submitted a TEB application. On 26 January 2023, the Service rejected the application indicating, “Disapproved – SM has not committed to the required additional service time.” Petitioner did not have an approved age waiver to be retained for the required four additional years of service.

q. On 25 February 2023, Petitioner submitted TEB application with less than 4 years remaining on contract and did not have an approved age waiver. On 1 March 2023, the Service rejected the application indicating, “Disapproved – SM has not committed to the required additional service time.”

r. On 9 March 2023, Navy Personnel Command (PERS-913) approved Petitioner to be retained beyond age 60 until 1 June 2026, at which time he is required to retire.

s. On 15 September 2023, Petitioner submitted TEB application with less than 4 years remaining on contract. On 18 September 2023, the Service rejected the application indicating, “Disapproved – SM has not committed to the required additional service time.”

t. On 21 February 2024, Petitioner submitted an Exception to Policy Request to transfer Post-9/11 GI Bill education benefits. Commanding Officer, [REDACTED] favorable endorsed the request on 21 February 2024.

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 (d). Although Petitioner did not complete the appropriate administrative requirements, the Board concluded that had he received adequate counseling, he would have completed the required NAVPERS 1070/613, Administrative Remarks before submitting his TEB application. Moreover, the Board determined Petitioner completed over 9 years of SELRES service after submitting his initial TEB application, thereby meeting the spirit and intent of reference (b). Therefore, the Board determined that under this circumstance, relief is warranted.

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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 7 October 2016 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]/1-month, [REDACTED]/1-month, [REDACTED]/1-month and [REDACTED]/1-month through the MilConnect TEB portal on 7 October 2016.

Commander, Navy Reserve Forces Command (N1) reviewed Petitioner's TEB application, and it was approved on 7 October 2016 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.

5/4/2026

Deputy Director

Signed by: [REDACTED]