



Docket No. 8787-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICOR

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 dependent children effective 10 May 2010.

2. The Board, consisting of [REDACTED] 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.

b. In accordance with reference (b), 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 for those eligible to retire on or after 1 August 2012. Additionally, all officers

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[REDACTED]

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. Petitioner served on active duty from 27 January 1997 to 30 June 1999, and released from active duty for Enrollment in Service Academy.

d. On 23 May 2003, Petitioner accepted an active commission and entered active duty.

e. On 7 June 2003, Petitioner married spouse, [REDACTED] and had two children: [REDACTED] born on 31 March 2006 and [REDACTED] born on 3 August 2009.

f. On 10 May 2010, Petitioner submitted TEB application without completing the required NAVPERS 1070/613, Administrative Remarks and requested to allocate 18 months of education benefits each child. The Service rejected the application indicating, "Disapproved – SM [Service Member] has not committed to the required additional service time."

g. On 20 May 2024, Petitioner completed the required Statement of Understanding and submitted TEB application. On 21 May 2024, the Service approved the application with an obligation end date of 19 May 2028.

h. On 2 July 2025, Petitioner submitted retirement request with an effective date of 1 August 2026; the request was disapproved, indicating, "Request expired due to no forward action to NPC [Navy Personnel Command] for review and adjudication with 180 days of creation of request."

i. On 23 July 2025, Petitioner advised by NPC (PERS-311) in part that his 2010 TEB application was rejected for failure to complete the required NAVPERS 1070/613, Administrative Remarks.

j. The Benefits for Education Administrative Services Tool Education Summary reflects that Petitioner's second child used 3 months of education benefits; last payment was 27 December 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 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 10 May 2010. Moreover, Petitioner completed over 14 years

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[REDACTED]

of active duty service after submitting his initial TEB application, 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 10 May 2010 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]/18 months and [REDACTED]/18 months through the MilConnect TEB portal on 10 May 2010.

Commander, Navy Personnel Command (PERS-311) reviewed Petitioner's TEB application, and it was approved on 10 May 2010 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

[REDACTED]