 BRIEFING CARD July 16, 2018

**Transferability of Post-9/11 G.I. Bill Update**

**Background**

NAVADMIN 170/18 announces updated transferability of Post-9/11 G.I. Bill educational benefits (TEB) by Sailors to eligible family members policies.

Effective one year from the date of this change, eligibility to transferPost-9/11 GI Bill education benefits will be limited to service members with at least six years, but not more than 16 years, of total creditable service.

The Post-9/11 GI Bill is a benefit offered to Service members during a time of conflict. The ability to transfer the Post-9/11 education benefit to family members, [*as specified in section 3319(a)(2), title 38, U.S. Code,*] was enacted by Congress to “promote recruitment and retention in the uniformed services.” Department policy regarding this benefit are prescribed in Department of Defense Instruction DODI 1341.13, "Post-9/11 GI Bill" (May 31, 2013, as amended). This DoDI is available on the DoD Issuances Website at http://www.esd.whs.mil/DD/.

**Key Messages**

The Department of Defense has updated DoDI 1341.13 Change 1, POST 9-11 GI BILL to reinforce the transfer of education benefits as a retention incentive that requires members to be eligible for and agree to serve 4 additional years of service on active duty or in the selected reserve beyond the date they elect to transfer their benefits. Members must complete the full 4-year service obligation to retain TEB unless involuntarily separated

**Effective one year from the date of this change, eligibility to transfer** Post-9/11 GI Bill education benefits will be limited to service members with at least six years, but not more than 16 years, of total creditable service. There is no change to current provisions requiring service member to having at least six years of service to apply to transfer benefits, and making a four-year commitment in the Armed Forces.

**Service members with more than 16 years of credible service who have not completed the transfer eligibility by July 12, 2019 will not retain the ability to transfer education benefits to eligible family members.**

Failure to complete this obligation will result in the amount of any transferred entitlement that is used as of the date of such failure being treated as an overpayment of educational assistance and shall be subject to collection by the Department of Veterans Affairs.

**Talking Points**

* Effective immediately, all members requesting to transfer unused education benefits to eligible dependents must meet eligibility requirements to serve 4 additional years on active duty or in the selected reserve from the date of election in DMDC milConnect.
* Former exceptions that permitted individuals with at least ten years of service to obligate less than four years of service if precluded by statute or standard policy (Department of Defense of Service) in return for TEB are cancelled.
* Changes listed in this NAVADMIN do not impact Sailors whose TEB applications submitted in the Defense Manpower Data Center (DMDC) milConnect web portal at <https://milconnect.dmdc.osd.mil>, have been approved.
* Documentation of additional service obligation requirements found in OPNAVINST 1780.4, POST 9-11 GI BILL and BUPERSNOTE 1780, POST 9-11 GI BILL remain unchanged.
* Effective 12 July 2019, TEB will only be available for members with at least 6 years of service up to a maximum of 16 years of service who are eligible for and agree to 4 additional years of service beyond the date they elect to transfer their benefits.
* Service members with more than 16 years of credible service who have not completed the transfer eligibility by July 12, 2019 will not retain the ability to transfer education benefits to eligible family members.
* Part 2 of this change will announce updates to streamline the TEB submission procedures.
* For complete guidance on the uniform policy and points of contacts for questions, see NAVADMIN 170/18 at [www.npc.navy.mil](http://www.npc.navy.mil).

**Q/A**

**Q1: When will the changes to the DoDI take effect?**

A1: To assist the Uniformed Services in complying with this instruction, the military departments, USCG, NOAA, and USPHS will have one year from the date of this change to implement most of the amended requirements in this issuance, with these exceptions:

* Military departments, the USCG, NOAA, and USPHS will provide their guidance implementing transferability, as well as their written force training and education plans, no later than 60 days after publication of the revised DoD Instruction.
* Effective immediately, service members must be eligible to be retained for 4 years from the date of election and not be precluded, prior to approval, by either standard policy (DoD/DHS, military department or military service) or statute.
* Service members separated under “force shaping” authorities and policies prior to completing their required four years of service resulting from the transfer of educational benefits retain their eligibility to transfer benefits. Effective immediately, the scope of “force shaping” was expanded to expressly include officers involuntarily separated as a result of being twice passed over for promotion, and enlisted personnel who were involuntarily separated as a result of failure to meet minimum retention standards, or because of a change in these policies.

**Q2: Why was there a need for such a change in policy?**

A2: Congress enacted the authority to transfer educational benefits to enhance recruitment and retention, and the changes align the benefit to those purposes. With this action, the department is addressing the intent of Congress, ensuring the benefit remains available for future service members, and clarifies policy for the Uniformed Services. All approvals will now be contingent on a service member’s eligibility for four years of additional service from the date of election.

**Q3: What does DOD mean by “member must be eligible to be retained for 4 years from the date of election and not be precluded, prior to approval, by either standard policy (Service or DOD) or statute”?**

A3: A service member must be eligible to be retained for 4 years from the date of election. Those who cannot commit to four years, (i.e., mandatory retirement date, high-year tenure, retention control point, and those who are not medically qualified), cannot sign up to transfer their benefits.

**Q4: What major changes have been made to the DoDI?**

A4: Eligibility to transfer benefits is limited to service members in the Uniformed Services, (includes the USCG), with less than 16 years of total service (active duty service and/or selected reserves as applicable). Those who cannot commit to four years, such as those with a mandatory retirement date or a high-year tenure or retention control point, are not eligible and cannot be approved to transfer their benefits.

The change also provides clarification for service members who are on limited duty or involved in a Medical Evaluation Board (MEB), Physical Evaluation Board (PEB), or Disability Evaluation System process. Service members must comply with standard procedure (if they have not yet applied for TEB) or must apply once found fit for duty (if they have applied but were denied). Only members who were previous approved, and then subsequently entered MEB/PEB or Disability Evaluation System process, and found fit, keep their earlier date. Service members subsequently found fit for duty, but only after having accrued more than 16 years of total creditable service, will be allowed to apply to TEB again, provided the member applies to TEB within 90 days of being informed of the fit for duty determination.

Service members who have not applied, and subsequently found unfit for duty (with a medical separation/retirement order) - But otherwise eligible to request to transfer their benefit, (have six years), **may not be approved for transferability with no additional service obligation**.

**Q5: How will the changes impact the transferability criteria for a service member who is going through a medical evaluation board process, and is a combat wounded warrior? If found unfit for duty (with a medical separation/retirement order) but otherwise eligible to request to TEB: Can they be APPROVED, to transfer the benefits without the 4-year commitment, and with an obligation date equivalent to the medical separation/retirement date?**

A5: No. The ability to transfer the Post-9/11 education benefit to family members, as specified in section 3319(a)(2), title 38, U.S. Code, was enacted by Congress to “promote recruitment and retention in the uniformed services”. Department policy characterizes transferability of educational benefits as a recruiting and retention program, it is neither an entitlement nor a transition or readjustment benefit.

**Q6: What is the ten-years of service exception?**

A6**:** Previously, service members with ten years of service could transfer the benefit without serving the four years, if they were prevented by policy or statue from doing so. Now such members must be eligible to serve when they elect to transfer educational benefits.