



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

█  
Docket No. 781-21  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █  
█ USMC

Ref: (a) Title 10 U.S.C. § 1552  
(b) MARADMIN 0421/09  
(c) MARADMIN 428/11  
(d) Title 38 U.S.C. Chapter 33

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.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 22 September 2021 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

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time of election for those eligible to retire on or after 1 August 2012. Reference (c) provided active component enlisted Marines 45-days from the Transfer of Education Benefits (TEB) application date to incur the required obligated service or the TEB request would be rejected. Additionally, references (b) and (c) directed Marines to check the status of their application. If the request was rejected, Marines were required to reapply with a new service obligation end date.

c. Petitioner's Armed Forces Active Duty Base date is 23 July 2001.

d. Petitioner reenlisted on 4 December 2009 for a term of 4-years and 9-months.

e. Petitioner submitted TEB applications on 2 November 2011, 5 April 2012, 9 September 2013, 22 January 2020, 3 February 2021. The Service disapproved the applications indicating reject reason "C" – Service Member has not committed to the required additional service time.

f. On 10 September 2013, Petitioner signed TEB Statement of Understanding, acknowledging the 4-year additional service obligation.

g. Petitioner reenlisted on 20 December 2013 for a term of 4-years and 9-months, and on 17 February 2018 for 4-years.

h. Petitioner submitted final TEB application on 14 July 2021. The Service approved the application the same day with an obligation end date of 13 July 2025.

i. Petitioner reenlisted on 23 July 2021 for a term of 4-years.

## 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 benefits to his eligible dependent, but failed to incur the obligated service at the time of TEB application submissions in accordance with reference (c). Although Petitioner did not complete the proper administrative requirements, the Board determined his multiple TEB application and continued active duty service met the spirit and intent of reference (d); therefore, under these circumstances, relief is warranted.

## RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner elected to transfer unused education benefits to [REDACTED] /36-months through the MilConnect TEB portal on 20 December 2013.

Commandant of the Marine Corps reviewed Petitioner's TEB application and it was approved on 20 December 2013 with a 4-year service obligation.

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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-entitled 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.

10/21/2021

[REDACTED]  
Deputy Director  
[REDACTED]