



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

[REDACTED]  
Docket No. 4183-22  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]  
XXX XX [REDACTED] USMC RET

Ref: (a) Title 10 U.S.C. § 1552  
(b) MARADMIN 0421/09

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 May [REDACTED], and [REDACTED].

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 22 June 2022 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. Petitioner's Armed Forces Active Duty Base date was 20 June 1990.

b. Petitioner married [REDACTED] on 1 August 2000.

c. Petitioner's had three children: [REDACTED] born on 29 September 2004, [REDACTED] born on 28 December 2005, and [REDACTED] born on 3 July 2011.

d. On 5 August 2009, Petitioner submitted Transfer of Education Benefits (TEB) application. The Service approved the application an obligation end date of 5 August 2010.

e. Petitioner transferred to the Retired List effective 1 June 2011.

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## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following partial corrective action. Petitioner was approved to transfer Post-9/11 GI Bill education benefits and completed his service obligation, however, he failed to allocate benefits to each of his dependents prior to retiring. Although Petitioner did not complete the proper administrative requirements, the Board found that had he received clear counseling from his command regarding the inability to distribute the education benefits upon retiring, he would have taken the appropriate action prior to transferring to the Retired List effective 1 June 2011.

## RECOMMENDATION

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

Petitioner elected to allocate unused months of education benefits to [REDACTED]/1-month, and [REDACTED]/1-month through the MilConnect TEB portal on 5 August 2009.

Note: Commandant of the Marine Corps will ensure Petitioner's Benefits for Education Administrative Services Tool Family Member History is updated with the aforementioned approved allocation of education benefits.

The part of Petitioner's request for corrective action that exceeds the foregoing is denied. [REDACTED] was born after Petitioner retired; therefore, ineligible for transferred education benefits in accordance with reference (b)<sup>1</sup>.

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.

7/13/2022

[REDACTED]

Deputy Director

[REDACTED]

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<sup>1</sup> Reference (b), an individual may not add dependents after retirement or separation from the Armed Forces, but may modify or revoke transferred entitlement for existing designated dependents.