



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

[REDACTED]  
Docket No. 4254-22  
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552  
(b) Title 38 U.S.C. Chapter 33  
(c) MARADMIN 704/13

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 eligible dependents.

2. The Board, consisting of [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 15 November 1993.
- b. On 29 June 2011, Petitioner reenlisted for a term of 3 years.
- c. Petitioner submitted transfer of education benefits (TEB) application on 15 April 2014.
- d. On 17 April 2014, Petitioner signed NAVMC 321A, Agreement to Extend Enlistment of 18 April 2014 for a term of 13 months "For additional obligated service to [T]EB."
- e. On 18 April 2014, Petitioner reenlisted for a term of 3 years.

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f. The Service rejected the TEB application on 19 June 2014 indicating, Petitioner “has not committed to the required additional service time.”

g. On 19 November 2016, Petitioner reenlisted for a term of 3 years.

h. Petitioner transferred to the Fleet Marine Corps Reserve effective 1 February 2018.

## 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 education benefits to his eligible dependents; however, he failed to complete the administrative requirements outlined in reference (c)<sup>1</sup>. Although Petitioner did not complete the proper administrative requirements, the Board concluded that he completed over 8-years of active duty service after the inception of the ability to TEB, thereby meeting the spirit and intent of reference (b)<sup>2</sup>. Therefore, the Board felt under these circumstances, relief is warranted.

## RECOMMENDATION

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

Petitioner’s DD Form 4, Enlistment/Reenlistment Document dated 29 June 2011 is amended to reflect reenlisting for a term of “4 years” vice “3 years.”

Petitioner elected to transfer unused education benefits to [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED] through the MilConnect TEB portal on 29 June 2011.

Petitioner, in coordination with his command completed the required Statement of Understanding on 29 June 2011 and submitted it to Commandant of the Marine Corps (CMC) for inclusion in the Petitioner’s OMPF.

CMC reviewed Petitioner’s TEB application and it was approved on 29 June 2011 with a 4-year service obligation.

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<sup>1</sup> 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. Enlisted Marines had 60 days from the date of transfer of education benefits (TEB) web application to incur the required obligated service or the TEB request was rejected. Additionally, the policy directed Marines to periodically check the status of their application; a denied TEB application required Marines to take corrective action and reapply with a new service obligation end date.

<sup>2</sup> Reference (b), 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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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.

7/12/2022

[REDACTED]

Deputy Director

[REDACTED]