



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

[REDACTED]
Docket No. 690-23
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

Ref: (a) Title 10 U.S.C. § 1552
(b) MARADMIN 693/21

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], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 1 February 2023 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 requires a 4-year additional service obligation at the time of election. Additionally, the policy specifies that Enlisted Marines have 1800-days from the date of transfer of education benefits (TEB) web application to incur the required obligated

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service or the TEB request will be rejected. Furthermore, 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.

c. Petitioner's Armed Forces Active Duty Base date is 29 August 2005.

d. On 20 April 2016, Petitioner reenlisted for a term of 4 years and subsequently executed a 17-month extension.

e. Petitioner submitted TEB applications on 18 January 2019, 30 May 2019, 25 September 2019, and 4 February 2020. The Service rejected each TEB applications indicating, Petitioner "has not committed to the required additional service time."

f. On 10 March 2021, Petitioner reenlisted for a term of 4 years.

g. Petitioner submitted additional TEB applications on 28 May 2021 and 15 December 2021. The Service rejected the applications indicating, Petitioner "has not committed to the required additional service time."

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 (b). Although the proper administrative requirements were not completed, the Board concluded Petitioner has attempted to TEB on several occasions and continues to serve on active duty since submitting his initial application; 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] /9-months, [REDACTED] /1-month, [REDACTED] /9-months, and [REDACTED] /1-month through the MilConnect TEB portal on 10 March 2021.

Petitioner, in coordination with his command completed the required Statement of Understanding on 10 March 2021 and submitted it to Commandant of the Marine Corps (CMC) for inclusion in the Petitioner's Official Military Personnel File.

CMC reviewed Petitioner's TEB application and it was approved on 10 March 2021 with a 4-year service obligation.

A copy of this Report of Proceedings will be filed in Petitioner's naval record.

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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.

2/6/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]