

DEPARTMENT OF THE NAVY

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

> Docket No. 1420-23 Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO

XXX XX

Ref: (a) Title 10 U.S.C. § 1552

(b) MARADMIN 704/13

(c) MARADMIN 017/20

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 dependents.
- 2. The Board, consisting of ______, and ______, and ______ reviewed Petitioner's allegations of error and injustice on 10 May 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. On 29 January 2019, Petitioner reenlisted for 4 years.
- b. Petitioner submitted TEB application on 9 July 2019. The Service rejected the application on 11 September 9019 indicating, Petitioner "had not committed to the required additional service time." On 6 November 2019, Petitioner extended for 1-month "For obligated service for assignment to BRC Class Petitioner submitted TEB application on 5 August 2020. The Service rejected the application on 13 January 2021 indicating, Petitioner "had not committed to the required additional service time." On 26 January 2021, Petitioner extended for 19 months for "Extension for TEB." Petitioner submitted TEB application on 6 February 2021. The Service rejected the application on 3 August 2021 indicating, Petitioner "had not committed to the required additional service time."

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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 corrective action. Petitioner met the basic eligibility criteria to transfer Post-9/11 education benefits to his eligible dependents, however, failed to complete the administrative requirements outlined in references (b) and (c). 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		6-months,	
/6-months, and	/6-months through t	he MilConnect	TEB portal	on
29 January 2019.				

Petitioner, in coordination with his command completed the required Statement of Understanding on 29 January 2019 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 29 January 2019 with a 4-year service obligation.

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.

