



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

■
Docket No. 2215-23
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 704/13
(c) 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 his eligible dependent effective 15 May 2019.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 17 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. 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 references (b) and (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. Additionally, reference (b) specified that Enlisted Marines had 60 days

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

from the date of transfer of education benefits (TEB) web application to incur the required obligated service or the TEB request will be rejected; reference (c) provided 150 days. Furthermore, the policies 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 Armed Forces Active Duty Base date 1 December 2003.

d. On 8 January 2016, Petitioner reenlisted for a term of 4 years and thereafter executed a 3-month extension to “obligate service for assignment to [REDACTED].”

e. Petitioner submitted TEB application on 15 May 2019. The Service rejected the application on 9 January 2020 indicating, Petitioner “had not committed to the required additional service time.”

f. On 18 January 2020, Petitioner reenlisted for a term of 4 years and on 24 February 2022 agreed to extend for 2 months “To meet obligated service for promotion.”

g. Petitioner submitted TEB application on 1 August 2022. The Service rejected the application on 22 September 2022 indicating, Petitioner “had 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, 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, partial 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 8 January 2016.

Petitioner, in coordination with his command completed the required Statement of Understanding on 8 January 2016 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 8 January 2016 with a 4 year service obligation.

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

The part of Petitioner's request for corrective action that exceeds the foregoing is denied. At the time of Petitioner's 15 May 2019 TEB application, he had less than 10 months remaining on contract, thereby not meeting the service obligation requirements of reference (b).

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.

5/25/2023

