



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

[REDACTED]
Docket No. 2606-23
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S.C. Chapter 33
(c) DODI 1341.13
(d) MARADMIN 391/19
(e) MARADMIN 017/20
(f) 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 her 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 [REDACTED], [REDACTED] reviewed Petitioner's allegations of error and injustice on 23 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, she 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 Force Active Duty Base date was 24 September 2007, and reenlisted on 20 September 2011 for a term of 4 years and on 21 January 2017 for a term of 4 years.

b. Petitioner submitted transfer of education benefits (TEB) application on 31 October 2019. The Service rejected the application on 23 January indicating, Petitioner "had not committed to the required additional service time."

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c. Petitioner reenlisted on 14 January 2021 for a term of 4 years and subsequently extended for a term of 19 months.

d. Petitioner submitted TEB applications on 28 January 2021 and 8 August 2021. The Service rejected the applications on 6 July 2021 and 22 September 2022 indicating, Petitioner “had not committed to the required additional service time.”

e. Petitioner submitted TEB application on 26 January 2023; Benefits for Education Administrative Services Tool (BEAST) reflects the application is still pending

f. Petitioner transferred to the Retired List due to Permanent Disability effective 1 May 2023.

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 GI Bill education benefits but failed to complete the administrative requirements outline in references (d) through (f).¹ Although Petitioner did not complete the appropriate administrative requirements, the Board concluded that had she received proper counseling, she would have been able to transfer unused education benefits to eligible dependents upon reenlisting on 21 January 2017. Moreover, the Board determined Petitioner completed over 6 years of active duty service from the 21 January 2017 reenlistment, thereby meeting the spirit and intent of reference (b). Therefore, the Board agreed, 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]/36-months through the MilConnect TEB portal on 21 January 2017.

Petitioner, in coordination with his command completed the required Statement of Understanding on 21 January 2017 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 21 January 2017 with a 4-year service obligation.

¹ References (d) through (f), indicate 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, references (d) and (e) specified that Enlisted Marines had 150-days from the date of TEB web application to incur the required obligated service or the TEB request will be rejected; reference (f) provided 180-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.

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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.

6/8/2023

