



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

[REDACTED]
Docket No. 3250-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO S [REDACTED]
[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 dependents.

2. The Board, consisting of [REDACTED], [REDACTED], and [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, 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 13 February 2012.
- b. On 10 June 2016, Petitioner reenlisted for a term of 4 years and executed a 30-month extension on 12 March 2019.
- c. Petitioner submitted transfer of education benefits (TEB) applications on 21 April 2019 and 1 July 2019. The Service rejected the applications on 16 June 2019 and 5 September 2019 indicating, Petitioner "had not committed to the required additional service time."
- d. Petitioner submitted a reenlistment request for a term of 4 years on 5 August 2019. On

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
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15 August 2019, the Service admin closed the request indicating, “Remarks: SNM is not eligible for reenlistment without a PMOS [Primary Military Occupational Specialty].”

e. On 13 October 2021, Petitioner executed 15-month extension.

f. On 25 August 2022, the Board via Docket Number 4570-22, voided Petitioner’s extensions executed on 12 March 2019 and 13 October 2021. Additionally the Board approved Petitioner to retroactively reenlist on 15 August 2019 for a term of 4 years and 10 months.

g. Petitioner submitted TEB application on 25 January 2023; the status is still pending.

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 references (b) and (c).¹ Although Petitioner did not complete the appropriate administrative requirements, the Board concluded that had received approval to reenlist in August 2019, he would have been able to transfer education benefits at that time. 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]/12-months through the MilConnect TEB portal on 15 August 2019. Note: Subsequent to [REDACTED] birth on 6 February 2021, Petitioner transferred her 24-months of education benefits.

Petitioner, in coordination with his command completed the required Statement of Understanding on 15 August 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 15 August 2019 with a 4-year service obligation. Note: CMC will also ensure Petitioner’s Benefits for Education Administrative Services Tool Family Member History is updated with the aforementioned approved allocation of education benefits.

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

¹ In accordance with references (b) and (c), 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, reference (b) specified that Enlisted Marines had 60-days from the date of TEB web application to incur the required obligated service or the TEB request will be rejected; reference (c) authorized 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.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
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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.

6/7/2023

[REDACTED]