



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

[REDACTED]
Docket No. 3413-23
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] [REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S.C. Chapter 33
(c) MARADMIN 0421/09
(d) MARADMIN 704/13

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 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. Petitioner's Armed Forces Active Duty Base date was [REDACTED].

b. On [REDACTED], Petitioner reenlisted for a term of 4 years, and 4 months and thereafter, executed his fourth extension for a term of "3 months following a fit for duty determination." On [REDACTED], Petitioner reenlisted for a term of 3 years.

c. Petitioner submitted transfer of education benefits (TEB) application on 9 October 2017. The Service rejected the application on 19 October 2017 indicating, Petitioner "had not committed to the required additional service time." And on 1 November 2017, Petitioner transferred to the Fleet Marine Corps Reserve.

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

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references (c) and (d).¹ Although Petitioner did not complete the appropriate administrative requirements, the Board concluded that had he received proper counseling, he would have been able to transfer unused education benefits to eligible dependents upon reenlisting on [REDACTED]. Moreover, the Board determined Petitioner completed over 8 years of active duty service after the inception of the ability to TEB, 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] /1-month through the MilConnect TEB portal on [REDACTED]. Note: Prior to retirement Petitioner allocated education benefits to [REDACTED] /24-months, and [REDACTED] /11-months.

Petitioner, in coordination with his command completed the required Statement of Understanding on 20 December 2009 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 20 December 2009 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.

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.

5/31/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]

¹ References (c) and (d), 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 (d) 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. 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.