



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

[REDACTED]
Docket No. 3637-23
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) MARADMIN 704/13
(c) MARADMIN 391/19
(d) 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 [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 is 29 January 2001.
- b. Petitioner has four children: [REDACTED] born on 17 June 2003, [REDACTED] born on 5 October [REDACTED] born on 25 February 2009, and [REDACTED] born on 3 September 2011.
- c. Petitioner reenlisted for a term of 4 years on 19 September 2014.
- d. Petitioner married [REDACTED] on 19 December 2014.

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e. Petitioner reenlisted again for a term of 4 years on 29 September 2017.

f. Petitioner submitted transfer of education benefits (TEB) applications on 4 July 2019, 13 December 2019, and 19 September 2021. The Service rejected each application indicating, Petitioner “had not committed to the required additional service time.”

g. Petitioner reenlisted on 16 January 2021 for a term of 4 years.

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 (c) through (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 19 September 2014 and 29 September 2017. Moreover, the Board determined Petitioner completed over 8 years of active duty service since the 19 September 2014 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] [REDACTED]/12-month, [REDACTED] [REDACTED]/6-months, [REDACTED] [REDACTED]/6-months, [REDACTED] [REDACTED]/6-months, and [REDACTED] [REDACTED]/6-months through the MilConnect TEB portal on 29 September 2017.

Petitioner, in coordination with his command completed the required Statement of Understanding on 29 September 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 29 September 2017 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

¹ References (b) through (d), 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; references (c) and (d) provided 150 days. Furthermore, the policy 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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[REDACTED]

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.

6/1/2023

