



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

█
Docket No. 7246-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD IC0 █
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Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S.C. Chapter 33
(c) MARADMIN 704/13
(d) 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 retroactively approve transfer of Post-9/11 GI Bill education benefits to his eligible dependent children.

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 3 October 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 entered active duty on 7 July 2004.
- b. On 12 December 2013, Petitioner reenlisted for 4 years.
- c. On 7 August 2016, Petitioner submitted transfer of education benefits (TEB) application with less than 4 years remaining on contract. The Service rejected the application on 6 December 2016 indicating Petitioner "has not committed to the required additional service time."
- d. On 7 October 2017, Petitioner reenlisted for 4 years and subsequently executed a 5-month extension.

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[REDACTED]

e. On 5 February 2021, Petitioner submitted TEB application with less than 4 years remaining on contract. The Service rejected the application on 3 August 2021 indicating Petitioner “has not committed to the required additional service time.”

f. On 18 December 2021, Petitioner reenlisted for 4 years.

g. Petitioner submitted TEB applications with less than 4 years remaining on contract on 2 February 2022, which was rejected and again on 2 March 2023. On 3 March 2023, Petitioner signed NAVMC 321A, Agreement to Extend Enlistment for 15-months “IOT have the obligated service to transfer his education benefits.”

h. On 10 May 2023, the Service approved Petitioner’s TEB application with an obligation end date of 1 March 2027.

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 outlined in references (c) and (d).¹ Although Petitioner did not complete the appropriate administrative requirements, the Board concluded that had he received adequate counseling, he would have been able to transfer unused education benefits to eligible dependents upon reenlisting on 7 October 2017. Moreover, the Board determined Petitioner completed 6 years of active duty service since the 7 October 2017 reenlistment and continues to serve, 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 allocate unused months of education benefits to [REDACTED]/12 months, [REDACTED]/12 months, and [REDACTED]/12 months through the MilConnect TEB portal on 7 October 2017.

Petitioner, in coordination with his command completed the required statement of understanding on 7 October 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 7 October with a 4-year service obligation. Note: CMC will also ensure Petitioner’s Benefits for Education

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, the policies 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.

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[REDACTED]

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.

10/20/2023

