

## **DEPARTMENT OF THE NAVY**

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

> Docket No. 8774-23 Ref: Signature Date

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From: To:	Chairman, Board for Correction of Naval Records Secretary of the Navy
Subj:	REVIEW OF NAVAL RECORD ICO USMC (RET)
Ref:	(a) Title 10 U.S.C. § 1552 (b) MARADMIN 0421/09
Encl:	<ul><li>(1) DD Form 149 w/attachments</li><li>(2) Subject's naval record</li></ul>
enclos record	suant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed are (1) with the Board for Correction of Naval Records (Board), requesting that his naval be corrected to allocate unused Post-9/11 GI Bill education benefits to his eligible dependent n and remove allocation from former spouse.
allegat the cor Docum	Board, consisting of, and reviewed Petitioner's ions of error and injustice on 25 October 2023 and pursuant to its regulations, determined that rective action indicated below should be taken on the available evidence of record. The entary material considered by the Board consisted of the enclosures, relevant portions of t's naval record, and applicable statutes, regulations, and policies.
and inj availab	Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error ustice, found that, before applying to this Board, he exhausted all administrative remedies ble under existing law and regulations within the Department of the Navy. The Board made lowing findings:
a. I	Petitioner's Armed Forces Active Duty Base date was 27 August 2002.
b. ( born ir	On 25 February 2005, Petitioner married and their first child, was
c. (	On 13 July 2007, Petitioner reenlisted for 4 years.
d. ]	Petitioner's child, was born in
	On 15 April 2009, Petitioner extended for 11 months and thereafter reenlisted on

17 August 2010 for 5 years.

f. On 19 February 2011, the Service approved Petitioner's Transfer of Education Benefits application with an obligation end date of 9 April 2014. Petitioner allocated 36 months of education benefits to spouse.

Subj: REVIEW OF NAVAL RECORD
USMC (RET)

g. Petitioner's child, was born in

h. On 15 December 2016, Petitioner transferred to the Permanent Disability Retired List (PDRL).

i. On 10 January 2017, Petitioner divorced

## 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 was approved to transfer Post-9/11 GI Bill education benefits and completed his service obligation, however failed to allocate benefits to each of his dependents prior to retiring. Although Petitioner did not complete the proper administrative requirements, the Board found that had he received clear counseling from his command regarding the inability to distribute the education benefits upon transferring to the PDRL, he would have taken the appropriate action. Therefore, the Board determined under this circumstance, relief is warranted.

## RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner elected to revoke unused education benefits from his former spouse, and allocate unused education benefits to through the MilConnect Transfer of Education Benefits portal prior to transferring to the PDRL on 15 December 2016.

Note: Headquarters U.S. Marine Corps will 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.

