

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
XXX XX [REDACTED] USMC

at the time of election. Additionally, reference (c) specified that Enlisted Marines had 150 days from the date of transfer of education benefits (TEB) web application to incur the required obligated service or the TEB request will be rejected; reference (d) 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.

- c. On 14 June 2004, Petitioner entered active duty.
- d. On 18 January 2010, Petitioner's first child, [REDACTED] is born.
- e. Petitioner reenlisted on 15 October 2011 for 4 years and 9 months, on 13 August 2015 for 4 years and on 15 January 2019 for 2 years.
- f. On 15 October 2019, Petitioner extended for 23-months "To have obligated service for assignment to SO1 (West) Class 1-20." Petitioner also submitted TEB application with 3 years, and 2 months remaining on contract. The Service rejected the application on 21 January 2020 indicating Petitioner "has not committed to the required additional service time."
- g. On 19 February 2020, Petitioner's second child, [REDACTED] is born.
- h. On 15 January 2021, Petitioner reenlisted for 3 years.
- i. On 29 April 2021, Petitioner married [REDACTED] and acquired 3 stepchildren: [REDACTED] born 26 March 2008, [REDACTED] born 17 November 2009, and [REDACTED] born 24 February 2012.
- j. On 6 April 2023, Petitioner submitted TEB application with 9 months and 9 days remaining on contract. The Service rejected the application on 6 November 2023 indicating Petitioner "has not committed to the required additional service time."

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). 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 15 October 2011 and 13 August 2015. The Board determined Petitioner completed over 8 years of active duty service since the 13 August 2015 reenlistment and continues to serve, thereby meeting the spirit and intent of reference (b). Therefore, the Board determined under these circumstances, partial relief is warranted.

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RECOMMENDATION

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

Petitioner elected to transfer unused education benefits to [REDACTED] /2-months on 13 August 2015. Note: Subsequent to marriage on 29 April 2021, Petitioner updated allocation of education benefits to reflect: [REDACTED] 10-months, [REDACTED] /1-month, [REDACTED] /1-month, [REDACTED] /1-month, [REDACTED] /1-month, and [REDACTED] /1-month.

Petitioner, in coordination with his command completed the required statement of understanding on 13 August 2015 and submitted it to Headquarters, U.S. Marine Corps (HQMC) for inclusion in the Petitioner's Official Military Personnel File.

HQMC reviewed Petitioner's TEB application and it was approved on 13 August 2015 with a 4-year service obligation.

The part of Petitioner's request for corrective action that exceeds the foregoing is denied. Petitioner did not have sufficient time on contract to warrant approval effective 15 October 2019.

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.

12/1/2023

