

DEPARTMENT OF THE NAVY

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

> Docket No. 9454-23 Ref: Signature Date

From: Chairman, Board for Correction of Naval Records To: Secretary of the Navy REVIEW OF NAVAL RECORD ICO Subi: XXX XX USMC Ref: (a) Title 10 U.S.C. § 1552 (b) Title 38 U.S.C. Chapter 33 (c) MARADMIN 704/13 (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 effective 4 February 2016. reviewed Petitioner's 2. The Board, consisting of , and allegations of error and injustice on 29 November 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. On 14 February 2005, Petitioner entered active duty. b. On 4 February 2016, Petitioner reenlisted for 4 years. c. On 5 February 2016, Petitioner submitted transfer of education benefits (TEB) application and requested to allocate education benefits to /1-month and months. Petitioner also signed Post-9/11 Educational Benefits Transferability Commitment and Statement of Understanding acknowledging, "I agree to serve for 4 years in the Armed Forces (Active Duty and/or Selected Reserve) from my [TEB] web application request as indicated in block 1e above [20160205]." The Service rejected the application on 11 April 2016 indicating Petitioner "has not committed to the required additional service time." d. On , Petitioner's daughter, was born.

e. On 10 October 2019, Petitioner extended for 4 months.

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f. On 20 December 2019, Petitioner reenlisted for 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 outlined in reference (c). 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 4 February 2016. Moreover, the Board determined Petitioner has completed over 7 years of active duty service since the 4 February 2016 reenlistment, thereby meeting the spirit and intent of reference (b). Therefore, the Board determined under these circumstances, relief is warranted.

RECOMMENDATION

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

| Petitioner elected to transfer unused educati | on benefits to | /1-m | onth and |
|---|-----------------------|--------------------------|---------------|
| /35 months through the MilConne | ect TEB portal on 4 | February 2016. Note | e: Petitioner |
| reallocated education benefits to reflect | / | 1-month, | /22 months, |
| and /12 months after d | ate of birth on 8 Jar | nuary 201 9 . | |

Petitioner, in coordination with his command completed the required statement of understanding on 4 February 2016 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 4 February 2016 with a 4-year service obligation. Note: HQMC 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.

