



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

█
Docket No. 9584-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █
XXX XX █ USMC

Ref: (a) Title 10 U.S.C. § 1552
(b) 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 allocate 26 months of unused Post-9/11 GI Bill education benefits between his eligible dependents.

2. The Board, consisting of █, █, and █ reviewed Petitioner's 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 Subject'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 31 May 1995.

b. Petitioner married his spouse in 1996 and had seven children.

c. On 31 May 2014, Petitioner submitted Transfer of Educational Benefits application and the Service approved the application with an obligation end date of 30 May 2018. Petitioner initially allocated education benefits to his four oldest children. However, on 1 November 2023, Petitioner revoked education benefits from three of his children and left █ with 10 months, which she used between 1 August 2018 and 12 July 2019.

d. Petitioner transferred to the Retired List effective 1 July 2023.

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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 transferring to the Retired List. 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 Retired List, he would have taken 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 reallocated education benefits to [REDACTED]/10 months, [REDACTED]/13 months, and [REDACTED]/13 months through the MilConnect Transfer of Educational Benefits portal prior to transferring to the Retired List effective 1 July 2023.

Note: Headquarter 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.

12/15/2023

