

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

d. On 19 May 2023, Petitioner extended for 6 months for the purpose of “FY [FISCAL YEAR] 24 ENLISTED RETENTION GUIDELINES.”

e. On 25 October 2023, 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 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 4 February 2016 and 19 November 2019. Moreover, the Board determined Petitioner completed over 7 years of active duty service since the 4 February 2016 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.

RECOMMENDATION

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

Petitioner elected to transfer unused education benefits to [REDACTED] /1-month and [REDACTED] /1-month on 4 February 2016.

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.

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 12 July 2021.

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

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, reference (c) 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; reference (d) authorized 150 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.

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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

